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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Tenth and eleventh periodic reports of States parties due in 2014

Czech Republic*

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I. General section

1. The Czech Republic (hereinafter referred to as the "CR") is a contracting party to the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "the Convention"), that was signed by the former Czechoslovak Socialist Republic on 7 March 1966. Therefore, the CR presents reports on compliance with commitments resulting from the Convention to the Committee on the Elimination of Racial Discrimination on a regular basis. The joint eighth and ninth periodic report was submitted by the CR in 2010.

2. In accordance with para. 30 of the concluding observations adopted following the consideration of the eighth and ninth periodic report, the CR presents the joint tenth and eleventh periodic report on the compliance with commitments resulting from the Convention for the period from 1 August 2009 to 28 February 2013.

3. When preparing the report the following was taken into account:

- Guidelines for the CERD-specific document to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/2007/1);
- Concluding observations of the Committee on the Elimination of Racial Discrimination on the eighth and ninth periodic report of the CR (CERD/C/CZE/CO/8-9) and previous reports; the report, as well as other periodic reports of the CR concerning human rights from the United Nations treaty base, will be published, at the time of the government's approval, on the website of the Government Council for Human Rights together with the other documents related to compliance of international commitments of the CR in the area of human rights.

4. The report was prepared by government authorities as well as representatives of civil society and academia working with the Government Commissioner for Human Rights.

II. Special section

Article 1

5. The legislation to combat discrimination is based on constitutional principles of equality in dignity and in rights and the prohibition of discrimination based on illegitimate grounds[1]. Since 2009, the Anti-Discrimination Act has been in effect[2], which regulates the rights of persons to equal treatment and protection against discrimination. The Act prohibits direct and indirect discrimination on grounds of race, ethnic origin, nationality, gender, sexual orientation, age, disability, religion or belief. By direct discrimination, the Act means such an act, including an omission, when a person is treated less favourably than another person in a comparable situation. By indirect discrimination, the Act means such an act or omission, when on the basis of apparently neutral provision, criterion or practice, a person is actually at a disadvantage compared to others due to one of the illegitimate grounds. The Act covers not only direct and indirect discrimination, but also harassment, persecution, and instruction and incitement to discriminate.

[1] For details see HRI/CORE/CZE/2010, p. 42, para. 145 and the following.
[2] Act No. 198/2009 Coll., as amended.

6. The Act prohibits discrimination in areas of the right to work and access to employment; access to a profession, business and other self-employment activity; working and service relationships and other working activities, including remuneration; membership and activities in trade unions, works councils or employers' organisations, including benefits, which these organisations provide to their members; membership and activities in professional chambers, including the benefits that these public-law corporations provide to their members; social security and social benefits; health care; education; provision of goods and services, including housing, if they are offered to members of the public. On the other hand, the Act stipulates that measures designed to prevent or compensate for disadvantages arising from a person's belonging to a group of people, defined by any of the above grounds, and providing equal treatment and equal opportunities to such a group, are not to be considered as discrimination.[3] The Act, as well as the Charter of Fundamental Rights and Freedoms[4] (hereinafter referred to as the "Charter"), allows special support measures to promote and protect rights of disadvantaged groups (positive discrimination).

7. Equal access to rights is also guaranteed by the CR in the substantial and procedural law, as more fully described in the text in relation to Article 5. Equal access to a public office is also always guaranteed, which is embedded in the Charter[5] and on which other special Acts further elaborate (the Electoral Acts[6], the Civil Service Act[7], and the Act on the Service Relationship[8]). More information on these and other areas falling under the concept of public life are given in the text in relation to Article 5.

8. The Anti-Discrimination Act does not apply to legal relationships associated with the adjustment of the conditions of entry and residence of third country nationals or stateless persons into the territory of the CR. Foreigners are endowed with fundamental rights and freedoms enshrined in the Charter[9], regardless of the length of the stay in the CR or the immigration status. The exception consists of some of the political rights associated with the formation of the political will of the state, whose bearers may only be citizens.[10] The Anti-Discrimination Act guarantees the protection of foreigners against direct or indirect discrimination, including racial discrimination, to the same extent as citizens have. All applications of foreigners in matters of entry into or residence in the territory, extradition or deportation, granting of international protection or acquisition of nationality are assessed according to specific circumstances of each case, regardless of their nationality or belonging to a national or ethnic minority, if these are not the reason for granting international protection. The legislation reflects the membership of the CR in the European Union (hereinafter referred to as the "EU"). Citizens with permanent residence are, due to the high degree of integration into the society, granted such a number of rights so that their position is comparable to the nationals of the CR (with the exception of the right to vote — see the text in relation to Article 5).

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[3] Section 7 (2) of the Anti-Discrimination Act.

[4] The Charter of Fundamental Rights and Freedoms is part of the constitutional order of the CR.

[5] Article 21 of the Charter of Fundamental Rights and Freedoms.

[6] Act No. 491/2001 Coll., on Elections to Municipal Councils and on Amendments to Certain Acts, Act No. 130/2000 Coll. on Election to the Regional Councils and on Amendments to Certain Acts, Act No. 63/2003 Coll., on Elections to the European Parliament and on Amendments to Certain Acts, Act No. 247/1995 on Elections to the Parliament of the CR.

[7] Act No. 218/2002 Coll., the Civil Service Act.

[8] Act No. 361/2003 Coll., on Service of Security Forces Members.

[9] Article 42 (2) of the Charter.

[10] E.g. the right to vote and the right to associate in political parties and movements.

Article 2: Legal and administrative measures against discrimination

International law and the response to paragraph 24 of the concluding observations

9. In the reporting period, the CR took steps to ratify the following international conventions. The Parliament of the CR approved ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the United Nations Convention against Transnational Organized Crime and its Protocols, the Council of Europe Convention on Cybercrime, and discussions are under way for ratification of the Additional Protocol to the Convention on Cybercrime. The following Conventions are being prepared for submission to the government: Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, and Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance is being considered by the CR. The CR is not currently considering accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In its opinion, the rights of migrant workers are comprehensively and at the same time sufficiently covered by the existing legislation in force at the national level which is in accordance with the international commitments of the CR, particularly in the area of EU law.

10. The CR is, from the position of the Member State of the Council of Europe, represented in the Council of Europe's Committee of Experts on Roma Issues (CAHROM). The Committee mainly focuses on sharing good practice on issues of integration of the Roma minority and assistance in the introduction of new integration programmes and policies. In 2011, CAHROM's negotiations resulted in the adoption of the draft Declaration on Growing Anti-Gypsyism and Racist Attacks against Roma in Europe. Within its framework, the Training Programme for Roma Mediators - ROMED[11] was established. The CR was included in the first group of countries which were involved in this training programme. The project focuses on sensitive areas of the relationship between Roma and public institutions. The CR also participated in the EU Roma Network, an international network linking 13 EU Member States in order to promote the use of structural funds for the benefit of social integration of the Roma population. Under this initiative, the States address individual priorities of Roma integration, such as the issue of Roma employment, housing, health and education.

11. The CR also actively participated in activities of the Decade of Roma Inclusion 2005-2015. The Decade of Roma Inclusion is an international initiative of twelve countries in Europe[12], bringing together participating governments, international institutions and Roma civil society. Non-governmental and inter-governmental organisations, such as the European Network Against Racism (ENAR) and the World Health Organization (WHO), are involved in the Decade. The Decade supports activities to strengthen social inclusion of Roma. From July 2010 to June 2011, the Decade was chaired by the CR. The Czech Presidency of the Decade focused on promoting inclusive education in order to evaluate the setting of inclusive measures, including monitoring the impact on the target group. The

[11] The programme should use Roma mediators who speak Romani language. In the CR, a Working Group of 25 mediators was set up, who work as regional coordinators for Roma affairs, Roma advisers, field social workers, teaching assistants or representatives of NGOs.

[12] Czech Republic, Bulgaria, Croatia, Hungary, Macedonia, Romania, Slovakia, Serbia, Montenegro, Albania, Bosnia and Herzegovina, and Spain.

second priority was a cross-sectional view of the living conditions and rights of Roma children. The third priority was the role of Romani women in relation to the integration policy of the state and measures of social inclusion. Another priority was to support inclusive measures at the local level, particularly in areas of education and housing. Last but not least, the emphasis was placed on the media image of Roma. The greatest benefit of the Czech Presidency consisted in monitoring the situation of Roma in Europe. The CR started regular monitoring of the Roma situation in the Decade's states through the so-called Progress Report. The Report allows evaluating and comparing the situation of Roma in Member States.[13] The Czech Presidency also drew the attention of the international community to the unimproved situation of Roma in Europe and opened the way not only for academic discussion, but also for society-wide debate on the issue of Roma integration. The Decade supported creation of favourable conditions for the emergence of the EU Framework for National Roma Integration Strategies up to 2020. Furthermore, during the Czech Presidency ongoing discussions, international conferences and seminars organised by the government or NGOs took place. The CR also led Decade's states to address the issue of the life situation of Roma women and children, and stressed the importance of preschool education.

Response to paragraph 23 of the concluding observations

12. Following the Durban Declaration and the Programme of Action, the CR considered the adoption of a National Action Plan against Racism. After careful analysis of legislative and non-legislative measures, institutional arrangements and existing programmes and policies that were adopted and implemented by various government bodies, it was decided not to adopt a National Action Plan against Racism. The CR is gradually fulfilling the individual points of the Programme of Action and the Durban Declaration through existing strategic measures which are described in more detail below.

National Law

13. National legislation on the protection against racial discrimination was described in detail in previous reports. Protection against discrimination is also covered by international conventions, which the CR is bound by, including the Convention and others.[14] On 1 September 2009, the Anti-Discrimination Act came into force[15], as described in more detail in the text in relation to Article 1. Regarding other legislative changes the following may be mentioned: In 2009, sanctions for discriminatory behaviour under the law regarding minor offences were made stricter. Fines in the Act on Minor Offences were increased from CZK 5,000 to CZK 20,000.[16] In January 2010, the new Criminal Code came into force, including the newly governed crimes motivated by hatred, which are described in more detail in the text in relation to Article 4. At the end of 2011, the CR adopted legislation on criminal liability and punishment of legal persons for specified offences.[17] This allows the CR to also prosecute racial crimes committed by legal persons. In 2011, the position of crime victims was strengthened. Under the amendment to the Criminal Procedure Code, the victims may, apart from compensation for property harm, also seek compensation for

[13] All the Member States, in accordance with the pre-defined outline, presented situation of the Roma in the Decade's four priority areas (i.e. employment, education, housing, and health).

[14] The Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

[15] Act No. 198/2009 Coll., on Equal Treatment and Legal Means of Protection against Discrimination and on Amendments to Certain Acts.

[16] Act No. 306/2009 Coll.

[17] Act No. 418/2011 Coll., on Criminal Liability of Legal Persons, and Proceedings against them.

immaterial harm often caused by crimes with racial undertones. In February 2013, the Crime Victims' Act[18] came into force, which will be described in more detail in the text in relation to Article 6.

14. The key themes of Roma life are the focus of the Roma Integration Concept for the period 2010-2013, which proposes measures to improve their situation and to balance their chances and initial disadvantages. The measures will be described in more detail in the text in relation to Article 3 and 5. In 2011, the government approved the Strategy for the Fight against Social Exclusion 2012-2015. The main objective of the Strategy is eliminating social exclusion and poverty in socially excluded localities. The Strategy includes measures to address the situation of socially excluded localities and their populations in relation to their surroundings, and to prevent occurrence of such situations. The measures will be described in more detail in the text in relation to Article 3 and 5. In addition, the CR adopted the Strategy of the Police of the CR in relation to minorities for the years 2008 to 2012, and updated it for the period 2013-2014. The Strategy will be described in more detail in the text in relation to Article 5 and 6. Strategic documents in the fight against racism and extremism or crime prevention will also be described in texts in relation to Article 4 and 6. In the area of education, following the ruling of the European Court of Human Rights in the case of *D.H. and Others* v. *the CR* in 2011, amendments to regulations were adopted that make stricter the conditions for inclusion of a child without mild intellectual disabilities in schools for pupils with learning disabilities and directly prohibit their education in the educational programme for students with disabilities. Then in 2012, the Action Plan was adopted for execution of the ruling of *D.H. and Others* v. *the CR*, which is now being implemented. The measures will be described in more detail in the text in relation to Article 5. The Ministry of Defence adopted the Concept of Prevention of Socially Undesirable Phenomena for the period 2010 to 2014, which sets out the priorities and tasks in prevention of socially undesirable phenomena in the whole range, including racial discrimination, xenophobia and extremism. Attention was also paid to the matter of the Roma Holocaust and piety for the victims of the former Roma camp in Lety near Písek and in Hodonín near Kunštát, as well as other aspects of Roma culture. The measures will be explained in more detail in Article 5 and 7. In July 2013, the Government decided to expand the Government Council for National Minorities with representatives of the Vietnamese and Belarusian minorities.[19]

15. The CR currently does not apply any measures in accordance with article 2 (2) of the Convention, but these are possible under the national law, as is evident from the text in relation to Article 1 above.

Response to paragraph 6 of the concluding observations

16. The CR recognises the importance of collecting disaggregated statistical data for the functioning of the state administration, especially in the fight for equality and against discrimination. The collection of ethnic data in the CR is complicated by the fact that, in accordance with international treaties and EU law, an indication of ethnic or racial origin is sensitive data that can be processed only with the consent of that person or for statutory legitimate reasons. These reasons, however, do not include the collection of statistical data for the purpose of state administration. The other reason is the right of each person to choose their own nationality freely without any influence or coercion.[20] Obtaining data on numbers of Roma or other ethnic minority is, therefore, possible either through their explicit declaration of their ethnicity, or through an anonymous survey, when the belonging

[18] Act No. 45/2013 Coll., on Crime Victims.

[19] Government Resolution No. 530 of 3 July 2013.

[20] Article 3 (2) of the Charter of Fundamental Rights and Freedoms.

is determined without identifying specific individuals. Ethnic origin is therefore assigned by other persons on the basis of external characteristics, regardless of the view of the identified persons themselves. This may lead to differences between the subjective and objective perception of ethnic origin. Both these methods can also be combined.

17. The first method is implemented primarily through the census, where residents of the CR have the opportunity to declare their nationalities voluntarily. The census in 2011 also allowed the claiming of two nationalities. Data on ethnicity is not mandatory and some of the population decided not to declare nationality. According to the results of the census in 2011, 12,953 persons identified themselves as Roma, of which 5,135 as Roma only and 7,818 as Roma and other ethnicities. Details are given in Annex No. 1.

18. Another method is used in the implementation of research studies, when experts report qualified assessments of a person's nationality. This method was used in several surveys determining education opportunities of Roma children, in the years 2008–2010. In 2010, this method was used by the Czech School Inspection Authority in their survey of progress in the transformation of the former special schools. In 2012, the Ombudsman implemented research on the issue of Roma pupil numbers in selected former special schools. The CR will continue non-addressed ethnic survey data collection, for example in education or in other areas.

Response to paragraph 7 of the concluding observations

19. Regarding the fragmentation of anti-discrimination legislation, the CR states that the Anti-Discrimination Act is by its nature a general legal norm that regulates the prohibition of discrimination in all defined areas described in the text in relation to Article 1. Anti-Discrimination legislation has been, following its adoption, continually consolidated. With effect from 1 January 2012, the Act on Employment[21] was amended, so that it includes only basic obligation to ensure equal treatment and prohibits any discrimination in exercising the right to employment and the regulation of discrimination itself and its forms and other issues are regulated consistently by the Anti-Discrimination Act. The Labour Code was amended similarly.[22] Protection against discrimination on other grounds, expressly not included in the Anti-Discrimination Act, can be achieved by using other domestic law, including the Charter and ratified international treaties that are, in accordance with the Constitution, directly applicable and take precedence over national acts, including the Convention. The system of protection is described in more detail in the text in relation to Article 6.

20. The fact that the anti-discrimination provisions are contained in the regulations of private law (the Anti-discrimination Act) and public law (the Criminal Code[23], the Act on Minor Offences[24], and others), logically reflects the state's effort to create space for the application of both the public interest (in the form of administrative or criminal punishment), and the private interest (civil court proceedings), depending on the nature of the situation. It is thus a clear strengthening of protection from discrimination, not its weakening. Victims of discrimination can primarily choose a private law method and the state can additionally assist with a public law method. Both methods of regulation are complementary and aim to create a social environment where discrimination is an exceptional phenomenon. For the above reasons, the CR does not consider the anti-

[21] Section 4 and 12 of Act No. 435/2004 Coll., On Employment, as amended by Act No 367/2011 Coll.

[22] Section 13 and 16 of Act No. 262/2006 Coll., The Labour Code, as amended by Act No. 365/2011 Coll.

[23] Act No. 40/2009 Coll., as amended.

[24] Act No. 200/1990 Coll., as amended.

discrimination protection, at the level of constitutional law in the Charter, the level of the general laws in the form of the Anti-Discrimination Act and the form of special Acts, being insufficient or fragmented, because instead of one general rule that covers everything, the Czech legal order specifically focuses on specific situations in which discrimination can occur and tries to respond to them by adequate legal means.

Response to paragraph 9 of the concluding observations

21. The primary independent institution for the protection and promotion of human rights is the Ombudsman, whose main task is to observe the performance of the state administration in accordance with the law and principles of good governance. The scope and powers of the Ombudsman are regulated by a special law. The Ombudsman cannot directly interfere with legal authorities or repeal or change their decision. However, he may hold an independent investigation and based on conclusions he may then make recommendations to correct errors and deficiencies and require authorities to fulfil them. The authorities have an obligation to cooperate with the Ombudsman and inform him of their corrective measures. Otherwise the Ombudsman informs the superior authority, the government, or the public through press releases and publication of his conclusions. He also deals with the monitoring of the places where persons are deprived of their liberty under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Ombudsman also performs the role of an equality body and monitors the forced returns of foreigners in terms of protecting their rights. The Ombudsman is elected for 5 years by the Chamber of Deputies and has his own office, which is financially independent, and fulfils his statutory tasks. He also regularly informs the Chamber of Deputies of the Parliament of the CR of his activities, and also presents recommendations for amendments to the legislation to the Chamber. The Ombudsman's activities in areas of discrimination are described in more detail in the text in relation to Article 6.

22. The Government advisory bodies are also engaged in Human Rights issues. These are the Government Council for Human Rights, the Government Council for National Minorities, the Government Council for Roma Minority Affairs, the Government Council for Equal Opportunities for Women and Men, the Government Council for Non-Governmental Non-Profit Organisations, the Government Council for Older Persons and Population Ageing and the Government Committee for People with Disabilities. These bodies discuss issues relating to the human rights and protection of minorities, analyse the situation in the CR and propose system measures to improve protection of human rights. All these authorities are composed of representatives of state administration and civil society that can have a dialogue with the government on human rights.

23. Within the executive power, the central role in the area of human rights protection belongs to the Government Commissioner for Human Rights, who is a member of the listed advisory bodies, monitors progress toward protection of human rights and compliance with international conventions on protection of human rights in the activities of the government, proposes measures to improve this compliance and ensures government cooperation with civil society organisations in the human rights area.

24. According to the Constitution, the courts are also mandated with the protection of human rights, as courts make the decisions on individual disputes between private individuals or between these persons and the state, and must always take human rights in question into account in its decision-making. Their actions are described in more detail in the discrimination part of the text in relation to Article 6.

25. The municipalities also, within their independent powers in their territorial constituencies, pursue the creation of conditions to meet the needs of their citizens, in accordance with the local needs, as for example housing, social care, health protection and development, education and training, overall cultural development and protection of public order. As part of this activity, municipalities should also contribute to social inclusion of their inhabitants. Municipalities, as well as any other landlord, shall not discriminate in access to housing on the basis of race and must publicly offer flats for rent to all applicants without distinction.

Response to paragraph 11 of the concluding observations

26. Duties and responsibilities of municipalities and the state in the housing and social inclusion areas were described in more detail in the follow-up response of the CR regarding some concluding observations of the Committee for the Elimination of Racial Discrimination.[25]

27. The analysis of socially excluded Roma localities and the absorption capacity of entities active in this area (GAC, 2006)[26] identified a total of 330 excluded sites in 167 municipalities with a population of 60 thousand to 80 thousand people, in 2006. The estimated share of the Roma in 80% of these localities was more than half; in more than 40% of the localities the share of the Roma exceeded 90%. More recent data are not available, but the Ministry of Labour and Social Affairs is currently preparing a new analysis of the situation in socially excluded localities, which should take place in 2014. According to qualified estimates, the number of socially excluded sites has increased. At present, the estimated number is up to 400 excluded areas. In the year 2012, the Ministry of Labour and Social Affairs adopted the Long-term Vision[27] of the Ministry of Labour and Social Affairs for Social Inclusion, which provides a comprehensive and systematic approach to social inclusion until 2020. The Vision is thematically linked to the National Action Plans on Social Inclusion. The purpose of the document is to reduce poverty and the level of social exclusion. By 2020, the CR seeks to maintain the number of persons at risk of poverty, material deprivation or living in jobless households to the same level as in 2008. It will also focus their efforts to reduce the number of persons in poverty by 30,000 persons. The material takes into account the ethnic aspect of social exclusion and perceives Roma ethnicity as a factor of social exclusion of Roma. In 2011, the Strategy for the Fight against Social Exclusion for 2011-2015 was also approved. The material contains a total of 71 measures in areas of safety, housing[28], education[29], social services[30], support of families

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[25] CERD/C/CZE/CO/8-9/Add.1.

[26] Available at http://www.mpsv.cz/files/clanky/3043/Analyza_romskych_lokalit.pdf.

[27] The Vision's priorities are inclusive labour market/active labour market policy; access to quality social services: development of social services and services for families with children with a view to social inclusion and prevention of social exclusion and poverty, increasing the efficiency of social protection systems through public administration, including the system of care for vulnerable children, promoting active ageing and shared informal care; mainstreaming of social inclusion, cooperation and evidence based approach.

[28] E.g. providing programmes to support acquisition, renovation or construction and running of social housing by municipalities and non-state organisations, implementation of the Pilot Project of Guaranteed Housing, and more.

[29] E.g. transition from the system of special educational needs to the system of support measures at all levels of education, to create a specific eligible support to pupils from socially disadvantaged backgrounds, removal of discriminatory criteria for the admission of children to public nursery schools and more.

with children[31], health, employment and regional development. The task of coordination and monitoring of the Strategy was assigned the Government Commissioner for Human Rights in cooperation with the Agency for Social Inclusion.

28. The Agency for Social Inclusion[32] focuses on addressing the situation of socially excluded Roma localities through individual municipalities and relevant state authorities, and within local partnerships implements situational analysis of the situation in the localities and initiates the formation of local social inclusion strategies on the basis of the results. During the period 2010-2012, the Agency implemented an individual project "Promoting Social Inclusion in Selected Roma Locations through the Agency for Social Inclusion in Roma Locations". The basis of the project was collaboration with municipalities to establish local partnerships formed by the municipality/town leaders, representatives of NGOs, offices, schools, the Police of the CR and other agencies. Within the three-year project cycle, the Agency operated in 33 locations, arranged 20 new memorandums of cooperation, commissioned 20 situational analyses and prepared 25 local social inclusion strategies. The Agency was involved, as a consultant, in the preparation of 260 project plans. In 2012, the Agency worked in 24 cities, municipalities and micro-regions. In July 2012, the government extended activities of the Agency until the end of 2015. For 2013, the Agency prepared an individual national project which follows up the previous project. Other towns and municipalities were invited to collaborate.[33] The Agency issues a report each year on its activities, which summarises the development of its activities in a given year. In addition to the Strategy to Combat the Social Exclusion, the Agency prepared a summary of methodological instructions and examples of best practice in the Handbook for Municipalities. In addition to ongoing activities at the local level in the local partnerships, the Agency commissioned implementation of several research projects in 2012. Studies in the area of housing were the most numerous. The Agency was engaged in the preparation of the National Reform Programme and also the preparation of European Structural and Investment Funds in the 2014-2020 period.

29. Roma integration at the regional level is ensured through Regional Coordinators for Roma Affairs.[34] Their activities are followed up by Roma Advisers at the level of local government of municipalities with extended powers. Every region also has medium-term plan for the development of social services, and some regions also have more comprehensive strategies for social inclusion of excluded Roma, which go beyond the social services and also include measures in the areas of employment, housing and education. Some municipalities approach the community planning process proactively. An example of good practice is the setting up of a mobile team of field workers[35] in the

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[30] E.g. creation of parameters to set up network of social services in socially excluded localities, encouragement of the creation, expansion and innovation of social services in socially excluded localities and more.

[31] E.g. using activating strategies when working with a family whose child is placed in institutional care, legislatively preventing institutionalisation of a child for economic or housing reasons.

[32] Establishment, tasks and functioning of the Agency for Social Inclusion were described in detail in the previous report.

[33] The Agency offered cooperation to eight municipalities from 1 January 2013 and to the other nine municipalities from 1 July 2013. It also ended collaboration with six "pilot" locations (these cooperated with the Agency since 2008) on 31 December 2012.

[34] Regional coordinators deal with methodological support, consultation and coordination of personnel involved in the agenda of Roma affairs in the catchment areas of municipalities with extended powers.

[35] Their task is to monitor the situation of migrant families, and carry out basic screening of both the social and health problems by informal conversations; to map (according to the nature of the problems) the financial situation and the presence of debt, distraint, housing problems, problems with

Olomouc region, which should respond flexibly to migration trends in the region and operate wherever due to migration Roma families are in a situation without help. The flexible programme offers social assistance in those localities, where there is currently a greater extent of Roma families' migration taking place and where municipalities do not have sufficient capacity and experience to respond to the destabilized life situations of these families.

30. In the area of social integration, the Ombudsman issued a number of recommendations as part of its activities in the area of anti-discrimination. These are: Recommendation concerning the Implementation of Right to Equal Treatment in Access to the Municipal Housing Fund (2010), Recommendations for Municipalities to Prevent the Creation and Expansion of Socially Excluded Localities (2009) and Recommendation on the Implementation of Right to Equal Treatment of Foreigners (2010). Through these recommendations, the Ombudsman indicates good practice in the area of social inclusion and contributes to the dissemination of good practice. E.g. Recommendations for Municipalities to Prevent the Creation and Expansion of Socially Excluded Localities were, in collaboration with the Ministry of the Interior, printed and are being distributed among the municipalities.

31. Roma civic initiative plays an important role in the area of Roma integration. Over time, a network of civic associations developed in the CR, that provide social services, implement educational and leisure activities, promote Roma culture and language, are medially active or involved politically. A network of social programmes aimed at the social inclusion of Roma is also being developed. In specific socially excluded localities at the local level, NGOs implement supported employment programmes, including incentive programmes, retraining and social entrepreneurship; and also programmes of so-called public services, in cooperation with the Agency for Social Inclusion and local governments. Roma integration projects are funded from the budgets of the relevant authorities[36] or from European funds.

Article 4: Legislative, administrative and other measures against propagating racial hatred and violence against racial and ethnic groups

32. Czech law considers racist propaganda and racial attacks as crimes. The new Criminal Code of 2009 regulates crimes of violence against a group of inhabitants or against an individual[37], dangerous threats[38], stalking[39], defamation of a nation, race, ethnic

employment, children's school attendance, relationships with the school, children's school results, problems in dealing with the authorities and institutions or problems in the criminal law area. They should provide field social work according to quality standards and methodologies of the services to the greatest extent possible in the natural environment of the client and under methodological guidance of a coordinator of social services; identification of key partners to address the situation of migrant Roma families, to contact locally relevant social unions, institutions of social and legal protection of children, Teachers' unions, Roma Advisers, Regional Coordinator for Roma Affairs, local government, social service providers, Municipal Police and Police of the CR and possibly other stakeholders and in collaboration with them to organise case conferences using the method of case management.

[36] The Ministries of Culture, Education, Youth and Sports, Labour and Social Affairs; the Office of the Government of the CR and others.

[37] Section 352 of the Criminal Code.

[38] Section 353 Ibid.

[39] Section 354 Ibid.

or other group of persons[40] or inciting hatred against a group of persons or restriction of their rights and freedoms.[41] The most serious acts against national, ethnic, religious or other groups of persons are punishable as crimes against humanity such as genocide[42], an attack against humanity[43], apartheid and discrimination against groups of people[44], persecution of citizens[45], establishment, support and promotion of movements aimed at suppressing human rights and freedoms[46] and sympathy for a movement aimed at suppressing human rights and freedoms.[47] In addition, a racial motivation is directly mentioned in the Act as the qualified circumstance enabling harsher sentencing for many crimes. These are: the crime of murder[48], grievous bodily harm[49], torture and other forms of inhuman and cruel treatment[50], deprivation or restriction of personal liberty[51], abduction[52], extortion[53], damage[54] or abuse of power of an official.[55] In addition to these crimes directly aimed at punishing racist attacks, racist motivation is an aggravating circumstance in all other offences, justifying the imposition of a harsher sentence on the perpetrator.[56] This means that any criminal offence, which was committed with racist or other similar motives will be punished by the Court more strictly, in order to express its exceptional despicability.

33. The Criminal Code allows a rigorous and effective prosecution of racially motivated crimes against national and ethnic minorities. The belonging of a victim to a particular ethnic or other group does not have to be real; it is enough that the perpetrator regards him or her as its member and thus this motivates his or her criminal offence. In practice, there are relatively frequent attacks motivated by race, ethnic, national or other similar affiliation to a group of people, with perpetrators deducing such affiliation based on the skin colour or other visual characteristics of the assaulted person without any real racial, ethnic, national or other affiliation known to them. Therefore, it is important also to punish attacks motivated by subjective assumption of the perpetrator.

34. Investigation into racist offences is in practice often complicated by how to demonstrate the racist motivation of the perpetrator. The motivation of the perpetrator is primarily an internal state of mind, which will manifest itself on the outside, but to achieve a racially motivated conviction it is necessary to prove this internal motivation. However, in most cases, the perpetrator will not admit this. The motivation is therefore to be proven through circumstantial evidence which, however, in some cases is not available in sufficient quantity and quality to lead to the conviction of the perpetrator. Even in the case of racist

[40] Section 355 Ibid.
[41] Section 356 Ibid
[42] Section 400 Ibid.
[43] Section 401 Ibid.
[44] Section 402 Ibid.
[45] Section 413 Ibid.
[46] Section 403 Ibid.
[47] Section 404 Ibid.
[48] Section 140 Ibid.
[49] Sections 145 and 146 Ibid.
[50] Section 149 Ibid.
[51] Sections 170 and 171 Ibid.
[52] Section 172 Ibid.
[53] Section 175 Ibid.
[54] Section 228 Ibid.
[55] Section 329 Ibid.
[56] Section 42 letter b) Ibid.

crimes it is necessary to respect the right to a fair trial[57], the presumption of innocence[58], and the principle of *in dubio pro reo*[59], no matter how reprehensible these acts are. Public prosecutors shall, when supervising cases of crimes committed out of motivation consisting of racial, ethnic, religious and other hatred, ensure with increased attention the completion of all acts necessary to establish the motives of the perpetrator, even if this motive is not an element of the legal basis of the case.[60] In October 2009, the Supreme Public Prosecutor's Office prepared a Methodological Guidance on the Issue of Crimes Related to Extremism, which was sent to all public prosecutors' offices and became part of the training of public prosecutors.

35. In addition to the criminal prosecution of individual cases, the government prepares every year a Strategy to Combat Extremism and submits an Annual Report on the strategy implementation to the Parliament. The Report informs on the development of extremist movement in the given year and the Strategy includes actions for the next year. The strategy contains not only repressive measures, but in particular preventive measures designed to prevent emergence and spread of extremism including activities aimed at children and young people. On the basis of the strategy implementation, for example, the prevention of infiltration of security forces by extremists was achieved, and there was a significant reduction in concerts and demonstrations of extremists in recent years. The Crime Prevention Strategy for 2012 to 2015 also focuses on the elimination of crimes where the motive is race, nationality or religion. The aim of the strategy is, in addition to the prevention of racism and xenophobia, to promote coexistence of the mainstream society with ethnic minorities and to reduce alternative motives of extremist attitudes and manifestations. E.g. the Project Dawn described below is also part of the Strategy. On 1 August 2012, the Hotline of the Police of the CR was launched. This is an on-line form: "Cybercrime Reporting", which is available to the public on the website www.policie.cz. Anyone can, through this form, report objectionable content and objectionable activities on the Internet, including possible racist crimes and propaganda. From 1.8.2012 to 31.12.2012, there were 1609 complaints registered, of which a crime was found in 242 cases. There were 39 cases concerning an act with extremist undertones, namely in 27 cases there was a suspicion of the crime of the incitement to hatred against a group of persons or to restrict their rights and freedoms. All cases are still under investigation.

36. Organisational measures were also made within the Police of the CR, where the Extraordinary Measure of the Police Chief — EXTREMISM 2012 was announced. Methodological activities of the Extremism, Sects and Audience Violence Division were also carried out. Expert opinions, professional observations, judgements and decisions relating to extremism were collected for police working groups. To prevent security forces infiltration by extremists, the Regional Directorates of the Police of the CR carry out vetting of candidates for the Fire Service, Army and Police of the CR. The Prison Service and Customs Administration have their own measures to prevent infiltration by extremists.

37. The Ministry of the Interior prepared two documents aimed at the perpetrators of extremist acts. The first one was the "Analysis of Available Court Judgements of Extremist,

[57] Article 36 (1) and Article 40 of the Charter, Article 6 (1) and (3) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 14 (1 and 3) of the International Covenant on Civil and Political Rights.

[58] Article 40 (2) of the Charter of Fundamental Rights and Freedoms, Article 6 (2) of the Convention for the Protection of Human Rights and Fundamental Freedoms and Article 14 (2) of the International Covenant on Civil and Political Rights. Similarly see Section 2 (2) of the Criminal Procedure Code.

[59] Section 2 (5) of the Criminal Procedure Code.

[60] Article 73 of the Instructions of General Nature of the Supreme Public Prosecutor No. 8/2009, on Criminal Proceedings, as amended.

Racist and Xenophobic Violent Crime". This analysis was followed by the "Qualitative psychology description of the personality of perpetrators of extremist racially-motivated and xenophobic crimes" which aimed to enrich the statistical data on the qualitative description of the personality of a perpetrator of extremist, racially-motivated and xenophobic crimes. In conclusion, both documents included recommendations for a better understanding of violent extremist, racially motivated or xenophobic crimes.

38. A part of the prevention is also an expression of condemnation of any racist or other extremist violence or incitement to it by any person. Within the government, the Commissioner for Human Rights is primarily the main person in charge of the government agenda in the area of human rights, including the rights of Roma and other ethnic minorities. In her press statements and media presentations, the Commissioner for Human Rights always condemns any verbal and physical forms of racism and intolerance, and encourages the state authorities to strict action against the perpetrators. The Commissioner also reiterates that violence and hatred never lead to solutions to the problems, but, on the contrary, to their deepening. She and her co-workers are involved in the local procedures for prevention of extremist activities and she also coordinates the work of relevant parties. At government level, she leads a special Working Group to address crisis situations, including racist and extremist unrests and she also prepared a joint plan for the immediate intervention of state authorities, among other things, in the area of prevention of crime and extremist activities. Under the Plan, the Ministry of the Interior shall, for example, offer the affected communities consultation and assistance in crime prevention and conflict-resolution or the involvement of Liaison Officers of the Police of the CR for minorities.

Response to paragraph 10 of the concluding observations

39. One of the factors considered with crimes in the CR is, in addition to race or ethnicity, social class. The CR, with this maybe specific characteristic, follows its recent history during communism, when the class origin was a common reason for restricting the rights of persons or their discrimination and persecution. Although in the current democratic system, all people are equal in dignity and in rights[61], the persistence of these ideas, and the existence of groups and movements that preach class hatred and incitement to suppress the rights and freedoms of individuals based on their class origins, cannot be ruled out. It is on the basis of its historical experience, that the CR specifically punishes hate based on class origin, in order to fully meet its basic democratic principles. It should also be noted that class origin is only a theoretical construct and in countries which have not undergone Communist totalitarianism, and in international conventions' concepts, it can mean social origin or political opinion.[62]

40. Related to this is also the term communist genocide, whose denial, questioning, authorisation and justification are criminal offences under Czech law. The term genocide in Czech law is based on the Convention on the Prevention and Punishment of the Crime of Genocide[63], to which the CR is a party, and is a criminal offence also under Czech law, as stated above, and will be sanctioned in accordance with international law. The CR also considers, in terms of its national history, certain acts so serious that it seeks their permanent anchoring in the national memory as serious and deplorable acts that shall never happen again. Therefore, it considers it necessary that their denial, questioning, authorisation and justification are criminal. The introduction of the term "communist

[61] Article 1 of the Charter.

[62] See, e.g. Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 2 (1) and Article 26 of the International Covenant on Civil and Political Rights and Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights.

[63] UN General Assembly resolution 260 (III) dated 9.12.1948, published under No. 32/1955 Coll.

genocide" certainly hasn't reduced the protection of rights of individuals against racial discrimination, recognised by the Convention. Acts with racial undertones will always be assessed under the relevant provisions of the Criminal Code regarding these and not as a communist genocide.

Response to paragraph 15 of the concluding observations

41. The CR states that its obligations under Article 4 of the Convention are carried out in particular by the introduction of racially motivated crimes in the Criminal Code described above. In the CR, racist propaganda is punishable, depending on the context, under the various provisions of the Criminal Code. The prohibition of racial or other discrimination applies to both natural and legal persons. If a legal person such as a political party or a civic association is established in accordance with the law, then it is officially registered and has legal personality. Relevant acts set as a condition for registration individual criteria that legal persons must comply with in order to be registered. In accordance with these acts, the registration is rejected if a political party or a movement aims to suppress equality and threatens the rights and freedoms of citizens[64] or if civil society groups aim to deny or restrict personal, political or other rights of citizens, inter alia, on discriminatory grounds[65]. If the racist attitude only becomes apparent during activities of a legal person, the acts provide means against them, which the state can use to intervene. A civic association is firstly asked to refrain from unlawful activities. If it does not, it may be dissolved. Similarly, it is the case with political parties and movements, as demonstrated in the dissolution of the Workers' Party (Dělnická strana) by the Supreme Administrative Court in 2010.[66] In the consideration of this case, the Supreme Administrative Court used four conditions whose cumulative fulfilment is essential for the dissolution of the political party: the condition of illegality, the condition of accountability of the illegal actions to the political party, the immediate risks and proportionality of the interference with the freedom of association in political parties. If all conditions are cumulatively fulfilled, the party may be dissolved.

42. In addition, the new Act on Criminal Liability of legal persons[67] applies to all legal persons, except the CR and the local government in the exercise of public authority. Legal persons are, therefore, directly responsible for their respective racist activities. The court may dissolve a legal person or impose other penalties (fines, confiscation of property, prohibition of activities, etc.). The Act is relatively new and therefore has not yet been used in the context of racist activities. It can also happen that a group of people works de facto, but is nowhere registered, and therefore does not exist as a legal entity. In this case, therefore, it is not legally possible to dissolve this group. However, it is possible to proceed, in accordance with the applicable Criminal Code, against individuals who violate the law. Thus individuals are punished even if the movement in which they engage is registered nowhere officially. Similarly Neo-Nazi and racist groups fall within the legal concept of "a group, organisation or association, which preaches discrimination, violence or racial, ethnic, class, religious or other hatred".[68] The Criminal Code stipulates that the

[64] Section 4 of Act No. 424/1991 Coll., on Association in Political Parties and Political Movements, as amended.

[65] Section 4, letter a) of Act No. 83/1990 Coll., on Association of Citizens, as amended. Associations which are not permitted are associations whose purpose are to deny or restrict personal, political or other rights of citizens because of their nationality, gender, race, origin, political or other opinion, religion or social status, and incite hatred and intolerance based on these reasons, support violence or otherwise violate the Constitution and laws.

[66] Supreme Administrative Court Judgement Ref. No. Pst 1/2009 dated 17.2.2010.

[67] Act No. 418/2011 Coll.

[68] Section 356 (3) of the Criminal Code.

establishment, support and promotion of a movement aimed at suppressing human rights and freedoms, expressing support for the racist movement, or membership in the movement is also punishable.[69]

Response to paragraph 16 of the concluding observations

43. There are not registered anti-Roma statements from politicians at the national level. There is no extreme right-wing party represented in the Chamber of Deputies or the Senate of the Parliament of the CR. In the elections to the Chamber of Deputies in 2013 the Workers' Party for Social Justice (*Dělnická strana sociální spravedlnosti*) received 0.86% of the votes.

44. The Police of the CR cooperate with the Ministry of the Interior and intelligence services in the fight against racist crime. Specialists from the Unit for Combating Organised Crime conducted a series of operations against the highest representatives of the extremist scene that paralysed it greatly. From the known cases of racially motivated attacks, the following may be mentioned in particular:

- The case of an arson attack in Vítkov in northern Moravia, in April 2009, which resulted in final convictions of the four perpetrators for attempted murder with a racial motive and extraordinary prison sentences ranging from 20 to 22 years, and compensation for victims of CZK 9.5 million and reimbursement of medical treatment costs of CZK 7.5 million;
- The case of an arson attack on a Roma house in Býchory in central Bohemia in July 2011, where one perpetrator was sentenced for violence against a group of inhabitants and against an individual and three others for defamation of nation, race, ethnic or other group of persons to conditional sentences and compensation to victims for immaterial harm in the amount of CZK 100,000;
- A Molotov cocktail attack on a lodging house in Aš on 26.2.2012, where 9 defendants are being prosecuted for attempted grievous bodily harm with racial undertones and the criminal proceedings are still ongoing.

45. Many other attacks are still under investigation, or their criminal proceedings are still ongoing for various criminal offences from the categories mentioned above. For some, however, a racial motive was not proved.

46. In 2012, a total of 52 criminal offences motivated by hatred against Roma were registered. This is a decrease compared to 2011, when 69 criminal offences had been registered. These criminal offences made up 30.1% of the overall number of criminal offences with extremist undertones. With regard to the criminal offence composition, these are usually criminal offences regarding sympathy manifestation for a movement aimed at suppressing human rights and freedoms, defamation of a nation, race, ethnic or other group of persons and violence against a group of inhabitants and against an individual. This is consistent with the criminal offence composition in the past year and there are no significant changes. More detailed statistics are given in Annex No. 2.

Response to paragraph 17 of the concluding observations

47. In 2012, the General Inspectorate of Security Forces was established, which is an independent body active in criminal proceedings, authorised to investigate crimes committed by officers of the Police of the CR, the Prison Service and the Customs Administration. Anyone can report a complaint regarding suspicion of committing of a

[69] Section 403 of the Criminal Code.

crime by a member of security forces. Criminal offences with extremist undertones by police officers are regularly monitored. In 2010, the Inspectorate of the Police of the CR reviewed eight cases[70], two of which were adjourned and one was handed over for disciplinary proceedings. Furthermore, in two cases proposals were made to initiate criminal prosecution, in one of them a legal action was brought. In 2011, the Inspectorate of the Police of the CR investigated one case. The investigation did not ascertain a suspicion of a criminal offence, or any other illegal activities. In 2012, the General Inspection of Security Forces examined two cases. The first case was adjourned without further action. The second matter is being investigated for the suspected offence of expression of sympathy for a movement leading to suppress human rights and freedoms. In 2010, the Military Police investigated 19 cases and in 2011, eight cases, which were linked to a suspicion of committing illegal activities with extremist undertones. In 2012, it examined 2 cases. Overall there was a decrease in criminal activities in the area of security forces extremism.

48. In 2010, an Amendment to the Act on the Armed Forces of the CR and Professional Soldiers became valid[71], which enshrines the support, promotion or sympathizing with a movement that clearly aims at suppressing human rights and freedoms and promotes national, religious or racial hatred against another group of people, as independent grounds for dismissal from the service. A soldier dismissed for that reason is not then entitled to retirement benefits. Soldiers intended for posting in foreign operations are assessed before posting in order to eliminate persons suspected of sympathy for extremist movements. In the case of suspicion of objectionable activities in this area at the time of their foreign operation, the soldier is subject to immediate repatriation.

49. The recruitment of members of Roma communities into the Police force is carried out mainly through the implementation of the "Programme for the Prevention of Crime and Extremism – the Dawn", by creating and subsidizing the position of Crime Prevention Assistants within the Municipal Police and through Liaison Officers for minorities within the Police of the CR, which were established in 2005. In 2012, the Crime Prevention Assistant Programme was implemented in 26 towns throughout the CR, and a total of 87 Crime Prevention Assistants were employed in these towns by the municipal police. Data for previous years are in Annex No. 3. The Assistants are selected from among the population of socially excluded localities (often Roma) and after training they contribute to raise the standard of safety and maintenance of public order. The second project, which has been implemented since 2004 by Rubicon Centre in cooperation with the Probation and Mediation Service of the CR, is the Roma Mentor Programme, whose goal is to motivate people from the Roma minority who are in conflict with the law to successfully complete the imposed alternative punishment and therefore reduce the risk of recidivism and deepening of social exclusion. This service is provided by a trained mentor, who has completed a 100-hour course. In 2012, there were 132 Roma participating in this Programme, of which 70 then actively worked as field workers with Roma clients. In total, mentors cooperated with 29 probation and mediation centres in the CR in 9 regions and provided services to more than 1,600 clients.

[70] The most common offences inspected were: violence against a group of inhabitants and against an individual, defamation of a nation, ethnic group, race or belief, support and promotion of movements aimed at suppressing human rights and freedoms.

[71] Act No. 147/2010 Coll. amending Act No. 219/1999 Coll. on Armed Forces of the CR and Act No. 221/1999 Coll. on Professional Soldiers, as amended.

Article 5: Rights specifically guaranteed by the Convention

Individual rights and their application in public life

(a) Right to equal treatment before the courts and all State authorities

50. There was no change in this area in the reporting period. Courts and administrative authorities still have the obligation of equal treatment of all applicants in criminal[72], civil[73] and administrative proceedings[74] before the courts and other authorities.[75] The CR has no counter-terrorism measures. The CR applies the criminal substantive and procedural law equally, including the presumption of innocence. Reports of racist crimes are examined in the same way as other crimes. More detailed information is given in the text in relation to Article 4. The General Inspection of Security Forces also plays an essential role in the investigation of racist and other crimes committed by members of security forces; its activities are described in the text in relation to Article 4. Practical assistance to victims of racist crimes during the investigation can be also provided by entities providing assistance to victims of crimes under the Act on Crime Victims described in the text in relation to Article 6 or e.g. Crime Prevention Assistants as described in the text in relation to Article 4.

(b) Right to personal liberty and security and protection by the State against violence and bodily harm

51. Conditions of restriction of personal liberty are still ensured equally, regardless of race, ethnicity or nationality. Prisons are required to take into account the cultural and religious beliefs of persons deprived of their liberty in satisfying their material and spiritual needs such as food, spiritual and social services, etc. Possible racist attacks in prisons are now also investigated by the General Inspectorate of Security Forces. Safety outside the prison is continued to be ensured mainly by criminal sanctions mentioned in the text in relation to Article 4, as well as some of the other measures listed below.

52. The CR adopted the Strategy of Policy of the CR in Relation to Minorities for 2008 to 2013, and updated this for the period 2013–2014. The Strategy sets out the principles of policing in relation to minorities and applies an equal approach and respect for differences of minorities. The main measure is the establishment of Liaison Officers for minorities at all Regional Administrations of the Police of the CR and their working groups. The Liaison Officer is a specialist on the issue of policing in relation to minorities, who together with his working group continuously monitors the life of minorities in the area and contributes to the prevention and combating of crime. The result of systematic police work with minorities is

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[72] In criminal law, equality is guaranteed in particular by the presumption of innocence, guaranteed rights of the accused, or more precisely the defendant and by the basic principles of the criminal procedure, i.e. prosecution only on legal grounds, ensuring the right to defence, the principle of necessity, legality, the accusatory principle, the principle of the publicity and the principle of evidence (searching, free assessment of evidence, material truth, etc.).

[73] Section 18 of Act No. 99/1963 Coll., the Civil Procedure Code: "The participants have equal status in civil proceedings ... The court is obliged to provide them with equal opportunities to exercise their rights."

[74] Section 36 of Act No. 150/2002 Coll., the Rules of Administrative Judicial Procedure: "The participants have equal status in proceedings... The court is obliged to provide them with the same opportunities to exercise their rights and provide them with advice on their procedural rights and obligations to the extent necessary to avoid any detriment to the parties in the proceedings."

[75] Section 7 of Act No. 500/2004 Coll., the Administrative Procedure Code: "The persons concerned have equal status in exercising their procedural rights. The administrative authority shall act impartially towards the parties concerned and require that all persons concerned fulfil equally their procedural obligations."

the establishment of mutual trust between the police and minorities, police awareness of the specifics of minorities, a successful import of law and justice into the minority environment and involvement of minorities in ensuring their own safety. In the area of education, specialised training for officers of the Police of the CR was implemented, with a focus on issues of minorities. In order to increase their qualifications, a project proposal was prepared, which aims to develop multicultural competencies and the project "Introduction of police specialists to work with the Roma minority in socially excluded localities" which aims to improve the quality and efficiency of police work in socially excluded localities. The aim is to increase the competence of police officers when working with minorities and improvement of conditions for preventing and combating specific crimes linked with the social exclusion environment, strengthening cooperation, communication and mutual trust between residents of socially excluded localities and law enforcement authorities. The total duration of the project is expected to last from 2013 to 2016.

53. The CR also respects the principle of non-refoulement. It is inadmissible to extradite a person, if there was a danger of torture or other serious human rights violations, or if the person was granted international protection in the CR.[76] The risk of refoulement is always judged in court proceedings on the admissibility of extradition, in which a complaint to a higher court or a constitutional complaint can be made. If the court is satisfied that such extradition is permissible, the authorization of extradition is decided by the Minister of Justice. Even against his decision a constitutional complaint with a suspensive effect may be made. In the context of administrative forced return proceedings, the risk of refoulement is considered by a binding opinion on the possibility of the forced return of a foreign national[77] that the police must always request from the Ministry of Interior. During international protection proceedings, the decision on administrative forced return is unenforceable, even during the trial — a foreigner who seeks international protection cannot be deported.[78] The decision on the administrative forced return shall not be issued if the foreigner seeking international protection in the territory comes directly from a state where he is at risk of persecution or serious injury, he enters the territory or is staying without a permit, he reports himself without delay to the Police or Ministry of Interior, and proves that he has a compelling reason for his or her unauthorized entry or stay. The decision of the administrative forced return may not be issued if the result would have a disproportionate interference with the private or family life of the foreigner. From 1 January 2011, decisions issued on the administrative forced return and the forced return process itself have also been monitored by the Ombudsman as a supervisory authority for compliance with the so-called Return Directive[79], thereby the protection of the rights of foreigners is further strengthened.

(c). Political rights, in particular the right to participate in elections, to vote and to stand for election

54. Members of ethnic and other minorities, if they are Czech citizens, may exercise their right to vote the same as Czech citizens. A Committee for National Minorities is established at the local level, in municipalities in whose territorial jurisdiction (according to the last census) at least 10% of the population claims a nationality other than Czech.

[76] Section 393 of the Criminal Procedure Code.

[77] Section 120a of the Act on the Residence of Foreign Nationals

[78] The Constitutional Court issued an opinion Pl on August 13, 2013. CC. - St. 37/13 by which it enshrined the removal as unacceptable even in the case of asylum seekers, unless the asylum procedure is concluded, including any appeals.

[79] Directive of the European Parliament and of the Council 2008/115/EC on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals.

Similarly, in regions in whose jurisdiction, according to the last census, at least 5% of the population claim a nationality other than Czech, the Committee for National Minorities is established. At least half of the members of the Committee must be members of a minority.[80] According to the last census, 43 municipalities have the obligation to establish a Committee. A Committee is established in a further 33 municipalities without a legal obligation. Another five municipalities address the agenda of national minorities through a Commission for National Minorities. Another way to include national minorities' agenda in work of local governments is by establishing a position of adviser or coordinator, which has been done in 11 towns. In another 3 towns, the issues of ethnic and other minorities are dealt with by Community Planning Working Groups. According to the census, one region is also legally obliged to establish a Committee for National Minorities. Other regions establish Minority Councils or the agenda of national minorities is dealt with by other regional authorities.

55. Ethnic minorities who have traditionally and on a long-term basis lived in the CR have the right to have a notice published in their own language of the time and place of elections and other information for voters.[81] Therefore, the Ministry of the Interior sends, prior to each election, information on how to vote in the language of the respective national minorities to all municipalities, where the Committee for National Minorities is established. The information is, in the relevant municipalities, published in the usual place, i.e. in particular on the bulletin board of the municipal office, and in each polling station in the municipality. A similar principle of informing members of national minorities applies to the local and regional referendum.

56. The participation of foreigners in public and political life remains part of the government's policy of integration of foreigners. Foreigners with permanent residency may vote in the municipal elections, provided that this right is granted to them by international treaty, by which the CR is bound.[82] Practically, however, this only concerns EU citizens.[83] Czech citizenship is also necessary for the performance of the functions of Mayor, Deputy Mayor[84] and member of the Prague City Council[85]. The so-called technical amendment to the Electoral Act[86], however, simplified the paperwork in the case where an EU citizen moves within the CR, as he doesn't need to reapply for registration on the electoral roll in the place of his new permanent residence.

[80] Section 117 (3) of the Act on Municipalities, Section 78 (2) of the Act on Regions and Section 78 (2) of the Act on the Capital City of Prague.

[81] Section 10 of Act No. 273/2001 Coll., on the Rights of National Minorities and on Amendments to Certain Acts, as amended.

[82] Section 4 (1) of Act No. 491/2001 Coll., on Elections to Representative Bodies of Municipalities and on Amendments to Certain Acts, as amended.

[83] Under the Accession Treaty of CR to the EU published under No. 44/2004 Coll., Citizens of the EU can continue to vote and stand as a candidate in elections to the European Parliament (Section 5 and 6 of Act No. 62/2003 Coll., on Elections to the European Parliament and on Amendments to Certain Acts, as amended).

[84] Section 103 (2) of Act No. 128/2000 Coll., on Municipalities, as amended.

[85] Section 69 (1) of Act No. 131/2000 Coll., on the Capital City of Prague, as amended.

[86] Act No. 222/2012 Coll., amending Electoral Act and Act No. 326/1999 Coll., on Residence of Foreigners and on Amendments to Certain Acts, as amended.

(d) Other civil rights

Right to free movement and choice of residence within the State

57. Freedom of movement and residence remains maintained on an equal basis. An amendment to the Act on Minor Offences[87] introduced sanctions of a ban on residence for a period not exceeding three months. The ban on residence can be imposed only for certain offences committed by intentional behaviour seriously distorting public order and in addition only if required by the protection of public order, family, health, morality, or property with regard to the current way of life of the perpetrator and where the minor offence was committed. This must be a repeated activity of the same nature and the minor offence must be committed in the same administrative district and must be dealt with by the same administrative authority. The ban on residence sanctions must not apply to the place or district in which the perpetrator has permanent residence.

Right to leave any country, including their own, and to return to their own country

58. All citizens have the right, under the Charter, to continue to move freely around the CR and freely leave it. This right is exercised equally regardless of nationality or race. Similarly, any restrictions on residence of foreigners in the territory of the CR are applied equally regardless of nationality or race.

Right to citizenship and the response to paragraph 20 of the concluding observations, on citizenship

59. Conditions for the acquisition and loss of citizenship are set out under the law and in accordance with international legal obligations of the CR and are aimed at reducing statelessness, with special emphasis on children. CR citizenship may be acquired by birth, determination of paternity, adoption, finding on the territory of the CR or naturalization. Some former Czechoslovak citizens and some Slovak citizens may acquire CR citizenship simply by declaration. Any foreigner (even stateless) who has a permanent residence permit in the CR according to the Act on Residence of Foreigners may apply for citizenship. Citizenship is granted regardless of the original citizenship and belonging to a national or ethnic minority after the fulfilment of legal conditions, i.e. permanent residence, clean criminal record, knowledge of the Czech language, renunciation of the original citizenship, fulfilment of duties related to the entry into and residence in the CR and the payment of compulsory contributions to the state budget. For the reasons set out in the law these conditions can be waived. On 1 January 2014, a new Act on Citizenship will come into effect, which allows a person to acquire Czech citizenship in addition to his or her original citizenship and also allows Czech citizens to acquire another citizenship. Placing a child in foster care in the territory of the CR is an addition to the methods of acquisition of citizenship. Second-generation migrants who live in the CR from 10 years of age will be newly able to use the simplified declaration procedure. The Act also adds to the conditions of granting citizenship the requirement of basic knowledge of history and society of the CR. The Amendment takes into account membership of the CR in the EU and enables national citizens of the Member States of the EU to acquire CR citizenship by naturalisation with milder conditions.

[87] Section 15a of Act No. 200/1990 Coll., on Minor Offences, as amended by Act No. 494/2012 Coll.

Right to marriage and choice of spouse

60. In this area, there was no change in the reported period and the CR continues to grant equal rights to all persons. This remains the case with the new Civil Code, effective from 1 January 2014.

Property rights, right to acquire inheritance

61. In this area, there was no change in the reported period and the CR continues to grant equal rights to all persons. This remains the case with the new Civil Code, effective from 1 January 2014.

Right to freedom of thought, conscience and religion

62. In this area, there was no change in the reported period and the CR continues to grant equal rights to all persons.

Right to freedom of opinion and expression

63. In this area, there was no change in the reported period and the CR continues to grant equal rights to all persons.

Right to freedom of assembly and association

64. There was no change in this area in the reporting period. The basic right of peaceful assembly is guaranteed to all, regardless of race, nationality or colour. Everyone, therefore, can in accordance with the Charter organise a peaceful assembly which fulfils legal conditions, i.e. mainly timely notification and not infringing or jeopardizing the rights of others or public interest. Every peaceful assembly is protected, including protection against assemblies which would prevent holding it or in any way try to attack its participants.

65. Legal protection of an assembly is ensured as follows: Any forthcoming assembly must be notified to the municipal office in the place of the event and the office may, within three working days, ban the assembly for reasons of the possible denial or restriction of personal, political or other rights of the citizens for their nationality, gender, race, origin, political or other opinion, religion or social status or incitement of hatred and intolerance for these reasons, committing gross indecency or violence or other violations of the Constitution and laws. Another reason for the ban may be the previously announced assembly in the same place and at the same time, if there was no agreement between conveners on the adjustment of the time and place of the event, which local authorities try to convey. They also negotiate themselves possible changes of location and time of the assembly with regard to local conditions or public order. This is to provide a scope for holding every peaceful assembly. For the above mentioned reasons, an assembly which is already taking place may be dissolved, whether it was previously banned or not, or even if it was not at all notified. If the participants of the assembly do not obey a formal request for dissolution, the Police of the CR may intervene against them. Failures to obey the request as well as other obstructions of carrying out a peaceful assembly are minor offences and are punishable by a fine. More serious acts such as attacks on participants of other assemblies, police officers or other persons may constitute crimes.

66. The Ministry of the Interior also prepared a "Manual for the municipalities regarding the Act on Assembly", which provides an overview of legislation regarding the right to assembly and recommendations to address problematic situations during assemblies. In 2009, the state and NGOs prepared in cooperation a brochure "Uninvited Guests", dedicated to the description of extremist and neo-Nazi movements, the experience with their assemblies and other events and ways to counter the activities of extremist

movements. Both brochures were distributed to regional and local authorities and they are also available on the Internet.

67. The Institute for Public Administration offered two courses for municipal officials dealing with assembly law. One of these was "The Municipality and Extremism" aimed at the current trends and overview of extremist groups, and at the right of assembly. This will be followed up by "The Municipality and Extremism II", where officials will be briefed on the possibility of cooperation with the Police of the CR (coordination arrangements, internal security and public order, role of anti-conflict team). Training regarding the right of assembly also took place within police structures. The Ministry of the Interior also organises a consultation day on the right of assembly.

68. The right of association is also provided on an equal basis. Already in accordance with the current legislation, associations which are not permitted are associations whose purpose is to deny or restrict personal, political or other rights of citizens because of their nationality, gender, race, origin, political or other opinion, religion or social status, and incite hatred and intolerance based on these reasons, support violence or which tend to suppress the equality of citizens.[88] Also, the new Civil Code prohibits establishing any legal person for the above purpose.[89] Measures against these organisations are described more fully in the text in relation to Article 4. The new Civil Code will also allow associations for any 3 people led by common interest and not only for citizens of the CR.[90]

(e) Economic, social and cultural rights

Right to work

69. The previous report describes in detail the legislative measures in the area of employment.[91] Equal rights and prohibition of discrimination in employment law and employment continue to apply according to the Anti-Discrimination Act.

70. According to a regional survey conducted within the World Bank, United Nations Development Programme and the EU Agency for Fundamental Rights (FRA) research "The Situation of Roma in 11 EU Member States",[92] the Roma unemployment rate in the age category 15 to 64 years is 39%, while the non-Roma rate is 6%. In the given category, 43% of Roma men are working, but only 19% of Roma women. For young Roma in the age group between 15 and 24 years, unemployment is 61%. In total 77% of young Roma respondents were without previous work experience. Only 2% of Roma are self-employed. The Ministry of Labour and Social Affairs develops tools and measures to promote employment of Roma and other minorities, such as retraining, socially beneficial jobs, investment incentives, induction training contribution and contribution when switching to a new business programme, special advisory service and targeted programmes to address employment. The Labour Office prepares, in cooperation with a jobseeker, an individual action plan which includes the procedure, timetable and evaluation of steps to increase the

[88] See Act No. 83/1990 Coll., on Association of Citizens, as amended, Act No. 424/1991 Coll., on Association in Political Parties and Political Movements, as amended, and Act No. 116/1985 Coll. on Operating Conditions of Organisations with an International Element in the Czechoslovak Socialist Republic, as amended).

[89] Section 145 of Act No. 89/2012 Coll., the Civil Code.

[90] Section 214 of Act No. 89/2012 Coll., the Civil Code.

[91] CERD/C/CZE/8-9, paras. 68–70.

[92] The research is accessible here: http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf. The research sample in the regional survey in the CR consisted of a total of 1,100 Roma households and approximately 500 non-Roma households living in areas with a high concentration of Roma population.

possibility of employment of the job-seeker in the labour market. The plan may include work-related or other counselling, retraining or other options to expand education, or active employment policy instruments such as socially beneficial jobs and community service. In determining the content of the plan, formal qualifications, health status and capabilities and abilities of the applicant are all taken into account. The plan is drawn up by the Job Centre whenever the applicant has been registered continuously for more than 5 months. An individual approach to the development and conclusion of the plan ensures respect for and adaptation to different socio-cultural conditions in the integration of the Roma minority into the majority society. The candidates are, in the event of interest, entered into social integration and social services support programmes – the social economy. Labour Office statistics on the numbers of Roma job-seekers are listed in Annex No. 4. The annex shows that Roma candidates most often use advisory programmes, community service and other active employment policy programmes. Their participation in retraining programmes was lower.

71. The Roma Integration Concept for 2010-2013 aims to increase the employment of Roma. The main tools are essentially changes in the public employment services, promotion of social entrepreneurship in socially excluded Roma localities, incorporation of the entrepreneurship theme into the educational programme framework in schools and combating illegal work. The concept promotes a consistent monitoring of the occurrence of discrimination and other unlawful practices applied against Roma in the labour market and their penalties. A crucial task in the area of employment is to influence attitudes of employers and promote the principle of diversity in the working team in both the private sector and public administration. Dissemination of the principle of diversity should aim towards greater openness of both employers and members of the working team in relation to members of Roma communities in recruitment and working processes.

72. Another government document in this area is the Strategy to Combat Social Exclusion 2011–2015. To promote employment in socially excluded localities, the Strategy proposes to establish a gradual system of employment or to employ long-term unemployed to a greater extent in urban public procurement. The system of gradual employment will allow the combination of employment policy instruments, their logical sequence and assistance after candidates start their jobs. The first stage is a public utility service, where the job seeker helps municipalities and other entities in the maintenance of public spaces, in cultural and social areas or other municipal matters in order to maintain and improve practical work skills and responsibility. Those who prove themselves in public service will be entered into the second stage - the community service, which is better paid and provides better conditions. The third stage is a transit social enterprise with subsidized wages and the fourth is the free labour market or entrepreneurial activities. The state and the municipalities also create public service jobs and community service. They also provide grants to public and private entities to create jobs in the public utility service, to create social conditions, and to develop social services to help jobseekers in the labour market.

73. Projects that help improve the situation of Roma in the labour market are created with financial support from the European Social Fund. These projects offer employment and legal advice, mediate contacts with employers, offer other activities aimed at increasing the employability and the employment of disadvantaged Roma. An interesting project aimed at strengthening the employment of Roma is the Ethnic-Friendly Employer. This brand is given to employers who openly advocate the principle of equal treatment, and do not discriminate against job-seekers and workers for their ethnicity, nationality or for other reasons. This employer award is a sign not only for job-seekers of other ethnic origin, but also to the public that the employer gives the same opportunity to the ethnically different population, as well as others. Support of these positive examples should lead to further extension of the principle of non-discrimination as a common standard of behaviour not only in the area of labour relations, but also in other areas of social life. This should lead to

the fulfilment of the legal obligations of non-discrimination and equal opportunities and elimination of prejudices and stereotypes. This award has been awarded to over 59 organisations since 2007.

Response regarding paragraph 14 of the concluding observations, on Roma Employment in public administration

74. The percentage representation of Roma working in public administration is not known, since the data on ethnic origin of public servants is not collected for reasons of personal data protection. There is no measure to strengthen Roma employment in public administration. The CR, however, is aware of the need and the importance of recruitment of minorities, including the Roma into public administration.

75. Members of the Roma minority are employed in the public service in positions that deal with issues of the Roma and their integration. There are 14 regional coordinators in all the 14 regions, of which 4 are Roma. In larger municipalities 164 Roma advisers operate, some of whom are Roma. Roma also work as field social workers in municipalities and NGOs dealing with Roma issues, where they can use their ability to communicate effectively with other Roma and create a trusted environment. Roma also work as medical social workers in health care for the same reasons of having a major advantage in dealing with the Roma minority. In cooperation with local police, Roma also work as Crime Prevention Assistants[93] in socially excluded localities. Assistants work as liaison officers between the police and territorial public administration and the surrounding population, and their goal is law enforcement, ensuring mutual communication and understanding, and conflict prevention. Numbers of Assistants are given in Annex No. 3. In the event that the Assistants prove themselves in their position, they can become full members of the Municipal Police. Teaching assistants, who are employed by schools, play an important role for socially disadvantaged Roma students. Approximately one-quarter of them are Roma. More detailed data is shown below in the text on education.

76. There is an ongoing campaign about the conditions of work in the police. Candidates from among Roma and other minorities have the same opportunities as other job applicants within the police force. However, the majority lacks the necessary education. From 2010, the Police College and the Secondary Police School of the Ministry of the Interior in Holešov have been implementing two projects of national minority education. Both projects address the creation of equal opportunities for pupils leaving elementary schools from ethnic minorities in the CR, in the admissions process and education in police schools, so as to prevent their exclusion from mainstream education and to make sure they keep up with the competition in the labour market. The project is focused on ethnic minorities, but it is opened to foreigners as well. Special attention is given to racism and xenophobia prevention and multicultural education promotion. Significant attention is given to the linguistic preparation. Projects also include education of teaching staff, who are working with these students.

Right to form trade unions and to become a member thereof

77. In the reporting period, there was no change in this issue regarding the right to protection against racial discrimination. Equal rights and prohibition of discrimination regarding the association in trade unions according to the Anti-Discrimination Act continue to apply.

[93] See Annex No. 4.

Right to housing and the response regarding paragraph 14 of the concluding observations

78. The Strategy to Combat Social Exclusion 2011–2015 identifies steps that are needed in the area of housing: to expand quality and affordable housing stock for low-income groups of the population, to create a system of gradual housing, to increase rent enforcement, to strengthen the means of protection and assistance for tenants in relation to rental housing providers, and to revitalize the sites occupied by the high concentration of people exposed to processes of social exclusion. In 2011, the Government approved the Housing Concept of the CR until 2020, which aims to improve access to housing for groups at risk of social exclusion. One of the tasks is the preparation of the comprehensive solution to social housing, which will further define the conditions of access to social housing and responsibilities of different parties (state, local government, applicants), as well as the funding of the system. Individual measures will be formulated during 2013.

79. In 2013, the government also approved the Strategy for Preventing and Tackling Homelessness in the CR until 2020. The Strategy is based on the fact that homelessness is a process that must be addressed, from the risk of its emergence, by preventive measures and by support which builds on current services. It works with different approaches to solving the problems of homeless people taking into account the extent and a differentiation of challenges related to these persons, and includes topics from supporting access to housing and health care to supporting awareness and cooperation of relevant parties.

80. There is currently no social housing provided by the state, only by municipalities, often with direct government support, as part of their municipal programme or by NGOs and other private entities. Some municipalities and NGOs already have in place a so-called System of Pervious Housing. The concept is based on proven models of three-stage pervious housing[94]. The first level consists of a short-term accommodation – a shelter; a second level is temporary housing associated with field social services, so-called training housing. The last level is long-term independent rental housing. Clients can move between stages after meeting given criteria. The goal is to move them into the third stage, namely, long-term rental housing. Long-term housing may be in the form of non-profit housing and municipal social housing. The system is based on the principle of "housing ready". Each candidate will be assessed according to their ability to keep their housing in one of the categories in the list and then he/she will be offered an appropriate flat. If the person carries out his or her duties, he/she is offered a flat in a higher category under better conditions. Those who fail will stay in the same flat, or even fall to the lower category flat. Programmes of Guaranteed Housing have also been prepared, which reduce the risks assumed by landlords when renting flats to low-income persons, so that the liability to pay the rent will be passed onto NGOs or the municipality, which carries out social work with tenants. The Programme of Guaranteed Housing will insure the NGO or the municipality against the risk of non-payment of rent by the tenant. This guarantee will be provided by the Agency for Social Inclusion under a special fund financed by the ESF project. There is further help with the cost of housing for groups of population with low-income in form of social benefits provided by the state in the housing area (a housing benefit[95]and a housing supplement[96]). The average amount of these benefits is growing steadily.

81. The Ministry for Regional Development annually provides grants for the construction of social rental housing under the Support for Construction of Supported Flats Programme. The objective of the support is the emergence of rental flats serving to provide social housing for persons who have impeded access to housing due to special needs

[94] For example already in place in France and Germany.

[95] Provided by Act No. 117/1995 Coll., On State Social Benefits, as amended.

[96] Provided by Act No. 111/2006 Coll., on Assistance in Material Need, as amended.

resulting from their adverse social situation – age, state of health or social circumstances of their life. An important measure in the area of access to housing is, in particular, the "Introductory flats" subsidy. This is social rental housing for people in difficult social situations caused by social circumstances of their life, such as belonging to a minority ethnic group. Any legal or natural persons, including municipalities, may newly apply for this subsidy. The main objective of this change is the involvement of NGOs in social housing provision to households in social need and involvement of private resources into social housing construction. The other significant change is the emphasis on priority renting of these social flats to those living in socially excluded Roma localities and families with children at risk living in inadequate housing. Investment support for social housing in 2009 and 2010 was also implemented in the form of subsidies to legal and natural persons[97] to build social housing, when a total of 241 social flats were built with the help of this investment. The aim of the subsidy was to increase availability of rental flats for those with low income and other social handicaps. This support was discontinued in 2010 due to lack of funds in the state budget. Since 2011, legal and physical persons (including municipalities and towns) may draw a loan at a discounted rate from the State Housing Development Fund for construction of new residential buildings with rental flats, or renovation of existing buildings, which become apartment buildings with rental flats.[98] The Ministry of Regional Development, in the long term, supports work of NGOs which provide housing advice.[99] More detailed data is given in Annex No. 5.

82. In the area of Improving the Environment of Problematic Housing Estates, under the Integrated Operational Programme for the period 2007–2013, to support investment in social intervention area there is activity aimed at Roma communities at risk of social exclusion. It is based on site selection, which was conducted by the Ministry of Labour and Social Affairs and the Government Council for Roma Minority Affairs, based on the results of the study "Analysis of Socially Excluded Roma Localities". Seven sites were identified and the projects are implemented in six locations, which had the Integrated Development Plan prepared. Projects are focused on regeneration of residential housing and revitalisation of public spaces. Also follow-up activities are carried out in the area of social and community care, interventions in the human resources and employment areas.

Right to health protection, medical care, social security and social services

83. Since 2006, Health and Social Help within the field programmes of the DROM Roma Centre operates on a local level as a registered social service which has a national profile. One of the main goals of this programme is to reduce disparities in health due to social conditions of socially excluded Roma. In 2012, a total of 8 health and social assistants worked in the CR. More detailed data on the Programme is given in Annex No. 6. In 2010, the Ministry of Health issued the publication *Patient Adviser*, which contributes to improved patient orientation when in contact with health services.[100] The Minister of Health also contacted the relevant health-care facilities, doctors and medical students in order to stress the emphasis on compliance with applicable laws and regulations and ethical principles in health care and on possibilities of their further education.

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[97] Government Order No. 333/2009 Coll., on Conditions of Use of the State Housing Development Fund to Cover Part of the Costs Related to Construction of Social Flats.

[98] Government Order No. 284/2011 Coll., on Conditions of Provision and Use of the State Housing Development Fund.

[99] Organisations supported: 12 in 2009, 7 in 2010 and 9 in 2011 and 2012.

[100] The *Patient Adviser* brochure is also available on the Ministry of Health website: http://www.mzcr.cz/dokumenty/ministerstvo-zdravotnictvi-vydava-publikaci-radce-pacienta-ktera-prispeje-k-lepsi-orientaci-pacientu-pri-kontaktu-se-zdravotnimi-sluzbami_3478_1.html.

Response regarding paragraph 19 of the concluding observations

84. The CR addressed this issue further in its follow-up response to the concluding observations of the Committee on the Elimination of Racial Discrimination.[101] The initiative of the Government Council for Human Rights, which recommended that the government compensate women who were sterilised contrary to the law, is now being discussed by individual ministries. The government hasn't approved the initiative yet, therefore it isn't binding for the government of the CR and the government is yet to decide how it will proceed. In addition to the ex gratia compensation, the Council also proposed that the government assist women in their recovery of claims which may yet be presented in court, and that the Ministry of Justice publish the recommendations and the possibility of access to free legal assistance as described in the text in relation to article 6. The CR is not considering the introduction of legislation that would permanently eliminate the limitation period in cases of compensation for unlawful sterilisation.

Response to paragraph 13 of the concluding observations

85. In 2012, the government approved the National Strategy on the Protection of Children's Rights – Right to Childhood, which enshrines a number of legislative and non-legislative tasks. One objective of this Strategy, among other things, includes the task to set a clear method of Roma minority identification in the collection of data, in order to facilitate transparency and efficiency to shape policies, ensuring that, in this context, this identification will be accompanied by adequate support and protection mechanisms for the prevention of discriminatory abuse of such data. In January 2013, an amendment to the Act on Social and Legal Protection of Children came into force[102], which added the basic aspect for the activity of authorities dealing with social and legal protection of children, that carry out social work in vulnerable families, generally are also the guardians of the child before the court, and also submit measures to protect children to a court, by which the court may also intervene in the exercise of parental responsibility of the parents to the child, including decisions placing the child in an alternative educational environment. The purpose of the work of these authorities is not only the best interest of the child narrowly seen, but also the protection of parenthood and family and the mutual rights of parents and children to parental upbringing and care. The authority for social and legal protection of children must, when applying for the adoption of measures intervening in parental responsibility for the child (the child's placement in foster or institutional care, limitations, waiving or suspending the exercise of parental responsibility, etc.), evaluate in detail that the reasons for this are not the material and housing needs of the family. The Family Act was also amended directly forbidding enacting institutional care for reasons of housing and poverty. With effect from 1 January 2014, the same provision will also be enshrined in the regulations regarding the institutional care of a child in the new Civil Code.

86. Under this amendment, a specialised institute for Social Guardianship of Children and Youth was addressed[103]. The institute focuses on the care of children with behavioural problems who neglect school, have committed a criminal offence or another illegal act, have committed a minor offence or otherwise disrupt civil coexistence, or repeatedly commit escapes from parents or other natural or legal persons responsible for their upbringing. Social guardianship also focuses on children who were victims of commercial sexual exploitation, or who are at increased risk of exploitation for these purposes. Social guardianship includes a set of specialised measures for elimination, mitigation, prevention

[101] CERD/C/CZE/CO/8-9/Add.1

[102] Act No. 401/2012 Coll. amending Act No. 359/1999 Coll., on Social and Legal Protection of Children.

[103] Section 31 to 34 of Act No. 359/1999 Coll.

of recurrence of disorders in mental, physical and social development of a child. The amendment enshrines that the guardian of children and youth must, among other things, cooperate with the municipal authorities, schools, health-care and educational institutions, social security institutions, the courts, the Probation and Mediation Service and other agencies. The guardian has an obligation to pay increased attention to providing assistance to minors and juveniles in institutional or protective care or in prisons for juveniles and also help these children after leaving these facilities. On the basis of quality standards for social and legal protection of children which are obligatorily regulated in the implementing decree[104], the municipal authorities of municipalities with extended powers must ensure that the position of a guardian for children and youth is reserved exclusively for the exercise of guardianship and to avoid accumulating activities of a guardian for children and youths with other agendas. According to another staffing standard, a local authority must have such a number of guardians for children and youths that one guardian has no more than 40 cases at the same time. Authorities for social and legal protection of children are required to meet quality standards set by the Decree in full by 31 December 2014 at latest.

Right to education and training

Response to paragraph 12 of the concluding observations

87. The CR addressed this issue further in its follow-up response to concluding observations of the Committee on the Elimination of Racial Discrimination[105], which further described the adopted legislative and non-legislative measures. The aim of these measures is to further improve access of Roma to education. In 2012, the Ombudsman's survey focusing on mapping the ethnic composition of pupils of selected former special schools was completed.[106] The ethnicity of students was determined by two methods of collecting ethnic data – an observation method and an identification method based on indirect criteria. The survey showed that Roma students in the former special schools, today known as the primary practical schools, were significantly over-represented. The staff of the Ombudsman, through the methods of observation, identified a total of 32% of Roma pupils in monitored schools. The qualified estimate of teachers was higher – 35% of Roma pupils. For a more detailed representation of Roma students in schools, please see Annex No. 7. The mapping of Roma children educated according to the curriculum for pupils with mild mental disabilities was also the focus of the Czech School Inspection Thematic Report: "The Former Special Schools Transformation Procedure in the School Year 2011/2012" published in July 2012. The proportion of Roma pupils, who were educated in accordance with curriculum for pupils with mild mental disabilities, was according to the estimations 26.4%, which is, compared to the school year 2009/2010, 8.6% lower.

88. The CR uses a range of measures to reduce the number of Roma children in so-called practical schools. The first report from the Czech School Inspection of June 2012 on number of Roma children in practical schools shows slight improvement. At the end of 2012, the Ministry of Education, Youth and Sports prepared the Action Plan on the Ruling of *D.H. and Others* v. *the CR*.[107] The aim of the Action Plan is the adoption of measures which remove some of the procedures, which may be the source of segregation of Roma pupils in education. The plan proposes to introduce a register of pupils educated in the

[104] Decree of MoLSA No. 473/2012 Coll.

[105] CERD/C/CZE/CO/8-9/Add.1.

[106] The survey is available on the website http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

[107] http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=57325%2F00&StateCode=CZE&SectionCode.

Educational Framework Programme for Primary Schools with an Annex governing education of pupils with mild mental retardation, to determine the number of Roma pupils under this programme. This Annex should be reviewed as well as tools for mild mental disability diagnosis, to consider the social and cultural differences. The introduction of diagnosis monitoring and monitoring of advisory facilities also relates to this. Education of students without disabilities in schools for pupils with disabilities should be completely prohibited, including temporary diagnostic stays, which will be replaced by diagnostic observation in the original environment. The purpose of preparatory classes should also be reassessed. Experts and representatives of the civil sector will be involved in the implementation of the plan. The National Institute for Further Education implemented a number of educational training courses for teachers to improve their competence in the area of inclusive education. These courses demonstrate best practice and methodology and practical procedures are explained. In addition, many conferences covering international experience in inclusive education are held.

89. An important position in the system of integration is also played by advisory services provided by school advisory facilities and teaching assistants for Roma pupils in primary schools. There were 554 of these assistants in 2012. Their mission is to help pupils to get settled to the preschool and school environment, collaborate with pupils and teachers in solving everyday problems of children with special educational needs, create additional classes, collaborate with families and assist in the transition into main education. Financial support for setting up places for teaching assistants and special assessment of teaching staff who are involved in the education of socially disadvantaged pupils also remains in place. Financing of primary schools in the future should favour the education of socially disadvantaged pupils in mainstream classes rather than their transition to special education. To support the integration of socially disadvantaged children, preparatory classes are set up, whose numbers have had a growing trend in recent years, and also the number of pupils in them is increasing. Every school may establish preparatory classes, if it considers that the socially disadvantaged pupils need pre-school education. These classes are free of charge and the curriculum is focused on compensatory measures in order to ensure equal opportunities for the socially disadvantaged pupils. In 2012, there were 244 preparatory classes established in 209 primary schools with 2,884 pupils. The Ministry of Education, Youth and Sports also set up a forum of specialists that will address issues of equal opportunities in education.

90. The Ministry of Education, Youth and Sports promotes the teaching of the Romani language via a grant programme which supports education in the languages of national minorities and multicultural education. Roma studies are taught at the Philosophical Faculty of Charles University in Prague and passes through into other disciplines taught at universities in the CR. The CR also addressed this issue further in its follow-up response to concluding observations of the Committee on the Elimination of Racial Discrimination.[108]

Right to equal participation in cultural events

91. The CR supports various Roma cultural programmes through provision of grants. Among them is, for example, World Roma Festival Khamoro, which contributes to integration of Roma, to the fight against racism and xenophobia and strengthening of tolerance toward minorities. The music festival includes cultural events as well as seminars and lectures on the life of the Roma and their position in Czech society. In addition, other events are supported, such as local and regional festivals, cultural events and celebrations of

[108] CERD/C/CZE/CO/8-9/Add.1.

International Roma Day, a special grant programme to support the integration of the Roma community.

92. In 1991, the Museum of Roma culture was established in Brno, which is devoted to Roma culture and history. The Museum preserves traces and artefacts related to Roma history and culture, life, literature, arts, crafts, clothing and housing; it includes a library and audio and video materials. The museum also acts as an educational centre for children and youths that develops multicultural thinking and searching for the Roma identity. It also supports the dissemination of Roma culture, not only in other regions of the country, but also at the international level, as it organises travelling exhibitions and lends expositions to foreign institutions.[109] Besides exhibitions, the museum offers educational programmes to adults, university students and teaching staff.[110] It also focused on teaching university students by offering them the lecture "The Methodology and Research Specifics among Roma and Sources for the History of the Roma". The lecturing section of the Museum collaborated in 2012 with the Pedagogical Faculty of Masaryk University in the development of student competencies in order to increase their expertise in working with disadvantaged groups. The Museum, however, also develops expertise of other specialists. It held a lecture for nurses on "Approach to Minorities in Medical Practice", which aimed to improve their communication with Roma patients. The Museum also organises courses of Roma language in collaboration with the Institute of South and Central Asia at Philosophical Faculty, Charles University in Prague.[111] Due to the great interest of the public two courses for beginners were opened in the autumn term, which were attended by 15 people. In the second half of the year, EDUA Language School asked the Museum for co-operation to include Romani language courses in their lessons in Prague and Brno. Roma pupils tutoring and support of pre-school education also continued.[112] A project of further professional assistance for parents of socially disadvantaged Roma children in preschool and primary education was also implemented. Twice a week, the Museum organises a pre-school club focused on pre-school education of children who are not able to complete it in a nursery school. The Children's Museum Club continues its activities, in which in particular Roma children meet 5 days a week in various clubs. In addition to these regular activities, the Club organises monthly trips, visits to cultural institutions and a summer excursion.

93. As part of the programme for the promotion of cultural activities of ethnic minorities living in the CR, other projects are also supported, in particular projects of civic associations[113] of Czech citizens of Bulgarian, Croatian, Hungarian, German, Polish, Roma, Rusyn, Russian, Greek, Slovak, Serbian, Ukrainian nationality and projects of Jewish

[109] In 2012, the travelling exhibition Genocide of Roma during World War II was exhibited, which will tour in schools in the UK as part of the Comenius project for two years. A similar exhibition will be sent abroad under the Grundtvig Programme.

[110] In 2012, a series of one-off events such as the "Workshop for Step by Step", and "History of the Roma in our country" took place as part of a training course the Modern History Teacher, lecture and workshop for teachers entitled the "Roma - Roma principles and upbringing of children" workshops on themes of Jewish and Roma Holocaust called "Porajmos – Šoa – Holocaust" workshop for teachers "How to teach the Roma Holocaust".

[111] As part of the project, teaching materials were designed for Roma language courses, which were tried out in the Museum.

[112] The programme involved 40 children in total, who attend individual tutoring once or twice a week; this contributes to a positive relationship between Roma families and the Museum. Teaching is provided by two teachers and 12 volunteers from among university students, in particular the Pedagogical Faculty of Masaryk University.

[113] The civil association Word 21 annually organises world Roma Festival Khamoro, the Association of the Romanies in Moravia and the Romany Association of Northern Moravia organise other festivals.

culture. Under this grant programme, subsidies are also provided for multi-ethnic cultural events[114] that contribute to the recognition of different national cultures and thereby try to prevent xenophobic manifestations. The Office of the Government has a special programme for the support of regional and minority languages protected by the European Charter for Regional or Minority Languages. In the CR such languages are Polish, Slovak, German and Roma.

94. Periodicals are published and radio and television broadcast in languages of some national minorities, or they disseminate information on national minorities. Projects dealing with the racial discrimination issue were also supported under the film and media grant programme. Examples include the International Documentary Film Festival on Human Rights ONE WORLD, FAMUfest, and the Jihlava International Documentary Film Festival.

95. The Roma Holocaust is an important part of Czech history. This tragic event is commemorated with two special memorials in Lety near Písek and in Hodonín near Kunštát, near former Roma camps during the World War II. These include remains of the former camp facilities and a presentation about the life of the inhabitants, places to pay respects and monuments, but also spaces for education, exhibitions and presentations on the Roma Holocaust, including programmes and lectures for schools and teachers. More memorial activities are described in the text in relation to Article 7.

Right of access to all places and use of all services for the public

96. The Charter guarantees freedom of movement and residence in all public places, regardless of race or nationality.[115] The Anti-Discrimination Act prohibits discrimination on grounds of race, nationality or ethnic origin, among others, in access to publicly offered goods and services, as indicated in the text in relation to Article 2. The Act on Consumer Protection also prohibits this discrimination.

Individual groups and their situation

Response to paragraph 20 of the concluding observations

97. The government annually updates the Concept of Integration of Foreigners in the CR. Priority areas for implementation of the Concept are: knowledge of the Czech language, economic independence of foreigners or improvement of their position in the labour market, orientation in society and relations between foreigners and Czech society. The priorities are to be carried out by various measures, such as supporting teaching of the basics of Czech language, creating a methodology of field social work in an environment of foreigners, creating adaptation and integration courses for newly arrived foreigners or supporting the establishment of formal and informal cultural, sport and social activities of foreigners and majority. Finally, the Concept also introduces measures aimed at awareness and deepening of foreigners' expertise and access to health care.

98. In terms of employment, foreigners with permanent residence have the same rights as citizens of the CR. The same applies to foreigners who were granted international protection (refugees and beneficiaries of subsidiary protection) or temporary protection. Foreigners from so-called third world countries may be employed in the CR provided that they acquired the necessary work permit and residence permit. Green cards are issued to

[114] These are artistic activities, cultural and educational activities, study and analysis of national culture and folk traditions, multi-ethnic cultural events aimed, among other things, to fight extremism, racial and national intolerance and xenophobia; publishing, documentations of national culture.

[115] Article 14 of the Charter.

foreigners with skills for which there is demand in the CR and blue cards for foreigners with high qualifications. Foreign nationals have the right to working conditions and wages equal to those of Czech citizens in the same position.[116] Numbers of foreigners and their employment rates in the CR can be found in Annex No. 8. Labour Offices provide retraining as required by the labour market and according to the interest of job seekers in the specific retraining and subsequent employment. Labour Offices also provide Czech language courses for foreigners who are registered at the Labour Office and are interested in Czech language courses. In the period January-August 2012, 17 job-seeking foreigners attended the Czech language course. Within three months after completion of a retraining course, 4 foreigners entered employment. Foreigners are mostly interested, as in past years, in specific retraining courses, i.e. courses that are focused on specific work activities as required by employers. Foreigners obtain specific knowledge and skills to perform certain work activities and also some knowledge of the Czech language through communication with tutors and other students.

99. Based on the annual Concept for Integration of Foreigners, the government supports activities in the area of integration of foreigners in the CR. A total of 61 projects were implemented in 2012. The supported projects are thematically focused on multicultural education of children and youth, supporting teaching Czech as a foreign language, guidance and assistance to foreigners, supporting activities of migrant organisations and inter-cultural dialogue, further studies on the issue of coexistence of foreigners and the majority, and seminars, publications and websites to raise awareness of foreigners and increase the inter-cultural competence of workers in the integration area.

100. The Ministry of Education, Youth and Sports provides the basic conditions for education of refugees, persons enjoying subsidiary protection, applicants for international protection in the CR and the children of foreigners. The amendment to the Education Act[117] extended the right to free Czech lessons for all foreign pupils who fulfil compulsory school attendance. The competent regional authority shall, in cooperation with the founder of the school, ensure free preparation for their integration into basic education, including teaching of the Czech language tailored to the needs of these pupils. From May 2011, the education of pupils disadvantaged by a lack of knowledge of Czech takes place using countervailing measures.[118] This is for example, provision of individual support, use of an individual educational plan and teaching assistants. The elementary school may apply for funds for teaching assistant salaries from the development programme of the Ministry of Education, Youth and Sports. The Ministry of Labour and Social Affairs also supports courses aimed at social interpretation in communities of foreigners.

101. An adequate source of information represents one of the tools to prevent violations of the rights of foreigners. The Ministry of Labour and Social Affairs continually updates the information provided on the website www.cizinci.cz and information regarding the conditions of employment of foreign citizens at the following addresses: www.mpsv.cz and www.portal.mpsv.cz. Information is provided on the web site in several languages. In the last quarter of 2009, the Ministry of Labour and Social Affairs in cooperation with the Ministry of the Interior sent to diplomatic missions of the CR in Ukraine approximately 100,000 information leaflets "How to work legally in the Czech Republic?", in the Ukrainian language. Several thousand additional copies of this leaflet were sent for

[116] As of 31 December 2012, the CR registers in total 360,941 legally employed foreign nationals, as well as 91,040 foreigners with trade license; this is about 2,019 less than on 31 December 2011.

[117] Section 20 (6) of Act No. 561/2004 Coll., on Pre-school, Basic, Secondary and Higher Professional and Other Education (Education Act), as amended by Act No. 472/2011 Coll.

[118] Decree No. 147/2011 Coll. amending Decree No 73/2005 Coll., on Education of Children, Pupils and Students with Special Educational Needs and Extremely Talented Children, Pupils and Students.

distribution to NGOs and Centres to Promote the Integration of Foreigners. These leaflets were also provided to regional authorities in the CR. The information and advice system EURES, that supports labour mobility and helps to address the imbalance of supply and demand in the labour markets of the EU/EEA and Switzerland, significantly contributes to inform interested parties of migration regarding living and working conditions in different European countries. Information to clients is provided by EURES advisers and the website www.eures.cz.

102. The law[119] recognises two main reasons for the detention of foreigners – detention for the purpose of administrative forced return and detention for the purpose of transfer or transit. Foreigners are placed in special detention facilities of a non-prison type for foreigners, in which women, families and unaccompanied minors are accommodated separately from men. The normal period of detention shall not exceed 180 days. Extension of the detention period to 545 days is only possible for foreigners who specifically block the removal efforts of the police, e.g. providing false information on their identity or deliberately hindering their removal. This extension does not apply to unaccompanied minors or families with children. Detention of foreigners will be used only in cases where other specific measures cannot be applied effectively, such as the reporting obligation of a foreigner to the police or the deposit of a financial guarantee. During detention, it is possible at any time to ask the court to review the justification. If there is no justification, the foreigner must be immediately released. The police are obliged to inform foreigners about this right.[120] In the case of an unaccompanied foreign minor, police will inform the appointed guardian of these rights.[121] At the same time, the police are required to continue to investigate for the entire period of the foreigner's detention whether the grounds for detention persist. Foreigners have two options for judicial review. They can either appeal against detention in administrative court proceedings, or at any time apply for release from detention in civil proceedings.

103. The detention of foreigners underwent changes in 2010, which aimed to further strengthen guarantees provided to foreigners. Alternatives to detention were introduced such as the reporting obligation or financial guarantee. Decisions on detention are issued for a limited period of time and the detention time for a family is shorter. In the case of unaccompanied minors, the legislation restricts the detention conditions so that this foreigner can be detained only if there is serious danger that he/she could threaten national security or seriously disrupt public order.[122] When deciding on detention of unaccompanied minors, the guardian must be present during the proceedings. The maximum detention of unaccompanied minors is 90 days without any possibility of extension. These limited detention reasons mean that unaccompanied minors are, in practice, almost never detained. An accelerated review by the courts was put in place, which requires the courts to reach a decision within a 7-day time limit. These measures led to a decline in the number of detained foreigners. The clearest evidence of this is the closure of one detention centre.

104. There was also an increase in the guarantees provided to detained applicants for international protection. Reception Centres are of two types; in the territory of the CR and at the international airport. Foreigners coming to the centre in the territory are those already in the CR, and those who want to apply for international protection in the CR. Foreigners placed in the centre at the international airport are those who expressed intention to submit an application for international protection, but are yet to enter the territory of the CR. The centre is located in the transit area of the Vaclav Havel Airport – Prague Ruzyne and

[119] Act No. 326/1999 Coll., on Residence of Foreigners in the CR.

[120] Section 126 of Act No. 326/1999 Coll., on Residence of Foreigners in Territory of the CR.

[121] Section 124 of Act No. 326/1999 Coll., on Residence of Foreigners in Territory of the CR.

[122] Section 124 (5) of the Act on Residence of Foreigners as amended by Act No. 427/2010 Coll.

therefore the foreigner does not enter the territory of the CR by being in there. Applicants for international protection are by law obliged to stay in the Reception centre pending the official entry procedures such as verification of the identity, issuing the applicant card and the relevant visa and entrance medical examinations for the elimination of hazardous and infectious diseases. This stay generally lasts approximately two to three weeks. Then the applicants move into the so-called residential facilities with a free regime. The obligation to remain in the reception centre beyond the said period is also determined for persons whose identity has not been reliably established. This obligation is decided by a decision from the administrative authority, against which a legal action may be taken before the competent court and a review by the administrative authority may be requested. The authority then, within its official activities, also examines whether there are still reasons for forcing the applicant to remain in the reception centre. The maximum duration of stay in the reception centre is 120 days.

105. Operation of the facilities for the detention of foreigners is provided by the Refugee Facilities Administration. The placement of foreigners into accommodation takes into account their religion, nationality or ethnicity, kinship or medical conditions. Supervision of compliance with statutory procedures at the facility is performed regularly by the Ministry of the Interior. Monitoring of facilities and reception centres is done by the Ombudsman. Facilities are also visited by representatives of NGOs. Children and their needs are given special attention. During the day, parents are allowed to place their children in the so-called children's centre, which is for pre-school children[123] as well as children of compulsory school age.[124] All children of compulsory school age attend a primary school. Children are, in terms of health care, vaccinated and treated identically as children of the Czech population.

106. The Refugee Facilities Administration operates eight Centres to support integration of foreigners[125], which provide free of charge services to third country nationals. Individual implemented services are mainly Czech language lessons, legal and social counselling, advisory and information services or socio-cultural courses. In the Centre's activities, the focus is also on training of employees of each Centre. The Centres' activities focus on improving the orientation of foreigners in the Czech society and their easier integration into normal life in the region. At the same time, they act preventively against negative phenomena such as the formation of isolated communities and the creation of intermediary and client structures, etc. Foreigners using the services of Centres and participating in the activities offered can, through the information provided, get a better opportunity for success in the job market and in other areas of their life in the CR. Education of foreigners, including children, increases the prospect for the future and gives them a better chance of finding employment. The Centres' activities also seek to promote the subject of integration of foreigners within the general and professional public. The Centres also involve regional partners in platforms for sharing the needs and suggestions of the Centres.

Response to paragraph 18 of the concluding observations

107. The CR considers equality between men and women as one of the basic conditions of a democratic state and a free society based on respect for human rights. Gender equality is a cross-cutting issue that is taken into account in the development and implementation of

[123] Here preschool children develop all-round personality through intellectual upbringing, co-existence together in a group, habits for writing and reading, etc.

[124] Here school children have a PC, books and other equipment necessary for the preparation for school, doing homework, but also rest.

[125] The Centres are in Plzeň, Karlovy Vary, South Bohemia, Olomouc, Moravian-Silesian, Zlín, Pardubice and Liberec Regions.

government measures. According to the Rules of Procedure of the Government, all materials submitted to the meetings of the government are compulsorily assessed for their impact on equality between men and women, if they don't create unjustified differences between them. According to the Legislative Rules of the Government, all legislative materials submitted to the government of the CR must also include an assessment of the current status and impacts of the proposed solutions to the prohibition of discrimination, including an explanation of the causes of any differences, the expected impact or expected development, using statistical and other data, if such data is available. In this respect all government measures are assessed from a gender perspective and in terms of their impact on equal opportunities for women and men.

108. Each year the government adopts Priorities and Procedures for the Promotion of Equal Opportunities for Women and Men that impose on individual departments the implementation of measures in the areas, which follow, among others, the Beijing Platform for Action and the European Strategy for Equality between Women and Men. They also include The Report on Equality between Women and Men for the past year. All ministries also have a duty to create their own plans for ensuring equal opportunities for men and women and each ministry has the position of a Coordinator for equal opportunities for women and men. The Priorities provide specific tasks relating to the fight against discrimination against women because of their gender and race. E.g. in 2010 and 2011, the Minister of Labour and Social Affairs, the Minister of Education, Youth and Sports and the Minister of Trade and Industry should have, in order to increase the competitiveness of women in the labour market, continued to support the creation of a range of training and retraining programmes, to find suitable jobs for women, including self-employment and business opportunities and to secure state funding for retraining of women who, due to care for children or family members, weren't economically active for a long time. The Minister of Labour and Social Affairs should continue this action in 2012–13. The special advisory government body for this area is the Government Council for Equal Opportunities for Women and Men.

109. One of the challenges under the Roma Integration Concept for 2010–2013 is to compensate the disadvantage of Roma girls and women, who often face double discrimination, i.e. as members of a minority and as women within their own communities.[126] Specific attention in the strategy development is dedicated to Roma women in the labour market, because their access to the labour market is complicated by demanding care for usually a large family, which prevents them from developing professional skills, lifelong learning and career building. The aim is therefore to develop flexible forms of work organisation that allow the harmonization of family and working life of Roma women (e.g. the development of part-time employment opportunities), to further develop specific educational activities and retraining programmes to facilitate the return of Roma women to the labour market after maternity leave and to offer them practical help in adapting to the demands of the labour market or to ensure the availability of child care in socially excluded localities.

110. In order to compensate the disadvantage of Roma women in Czech society, the CR joined the international initiative called the Roma Women Initiative[127], which brings together approximately 135 organisations from Bosnia, Bulgaria, Croatia, Czech Republic, Hungary, Kosovo, Macedonia, Moldova, Poland, Romania, Serbia and Slovakia. The Roma Women Initiative project was created in 1999 as a part of the Open Society Institute programmes. Its aim is to support the movement of Roma women in Central and Eastern

[126] Task 1.6 – Ongoing support of equal opportunities for women in the Roma community.
[127] Source http://romove.radio.cz/cz/clanek/20092.

Europe and to educate young Roma activists. Many Roma women in the CR seek to improve their conditions and prospects for obtaining quality education and employment. In October 2012, the Commissioner for Human Rights held a seminar on the issues of Roma women, the aim of which was to present the situation of Roma women in today's society, to identify their needs and jointly define measures for their support from the state.

Response to paragraph 21 of the concluding observations

111. The CR takes the fight against human trafficking very seriously. The Criminal Code of 2009 governs the offence of human trafficking together with offences of deprivation and restriction of personal liberty, abduction abroad, sexual coercion, sexual abuse, soliciting or the unauthorized employment of foreigners. In April 2012, the new National Strategy for Combating Trafficking in Human Beings in the CR was adopted for the period 2012 to 2015. The adopted measures are based on the principle of partnership[128], the punishment of perpetrators, victim support and prevention. In 2012, the first two convictions were obtained for human trafficking for the purpose of labour exploitation. The position of foreigners who are victims of human trafficking shall also be strengthened by the new Act on Crime Victims.[129] The Act refers to victims of human trafficking as particularly vulnerable victims, who have, besides other things, the right to free professional help. Victims who do not speak the Czech language will be given information in a language they understand. A victim of a sexual offence against human dignity has the right to financial assistance for the purpose of covering the costs associated with providing professional psychotherapy and physiotherapy or other professional services to remedy immaterial harm.

112. Awareness takes place on a professional and non-professional level. Training of police officers aims to strengthen the ability to identify victims of human trafficking and offer them help. Training programmes also involve public prosecutors, judges, doctors, municipal police officers, employees of Labour Offices, diplomatic missions abroad, social departments of municipalities and regions and the Refugee Facilities Administration. In 2009, the Ministry of the Interior created a bilingual brochure and a leaflet with basic information on selected organisations helping possible victims of human trafficking. In 2011, the leaflet was translated into languages of countries from which the victims of human trafficking most often originate, and in 2012 this was distributed to the public. The importance of knowledge of differences in relation to other races, ethnic groups and cultures in the context of the analysis of individual cases, was also touched upon in the Judicial Academy seminar on "Human Trafficking for the purpose of sexual exploitation". The workshop was attended by 15 participants. The seminar focused on selected issues regarding the residence status of persons; the proving of crimes related to organised crime in this area in the public prosecutor's office; difficulties in dealing with the victims and their role in criminal proceedings; criminal investigations related to human trafficking for the purpose of sexual exploitation from the perspective of the police; practical knowledge or case reports.

113. In the CR, an effective system for identifying probable victims of human trafficking by both NGOs and authorities active in criminal proceedings is put in place. NGOs which focus on human trafficking conducted field work focused primarily on identifying possible labour exploitation, especially of foreigners. The field programme is financially supported by the Ministry of the Interior of the CR. Authorities active in criminal proceedings, in cooperation with other supervisory authorities as the Customs Administration of the CR,

[128] Partnership consists in mapping the situation with regard to human trafficking of persons in socially excluded localities.

[129] Act No. 45/2013 Coll., on Crime Victims and on Amendments to Certain Acts (Act on Crime Victims).

the Labour Inspection authorities, Hygiene Stations, etc., carry out preventive inspections aimed at nightclubs and other establishments where there is suspicion of labour relations violations by the employer. The CR has a training system in place to identify probable victims of human trafficking. Particularly relevant professional groups such as consular workers going to Czech diplomatic missions abroad, specialist police officers, public prosecutors, the Refugee Facilities Administration employees and selected government officials are trained. For the coming period, measures are set out for the training of labour inspectors, judicial candidates, police officers and army officers going to foreign missions. In 2010, a three-year project "Detection of human trafficking for the purpose of labour exploitation and forced labour" was launched, and the Ministry of the Interior cooperates with the organisation La Strada CR and the Judicial Academy on this project. The project was created with the intention of raising awareness of human trafficking and to improve the access of victims to legal representation and other services. The project is, among other things, mapping experiences in the area of criminal law approach to human trafficking for the purpose of forced labour and other forms of exploitation abroad. One of the specific objectives is to define the term of forced labour and labour exploitation on the basis of Czech and foreign experiences and subsequently enable an active use of these definitions in the Czech judicial system.

114. The Czech government created, in cooperation with NGOs, the Programme of Support and Protection of Victims of Human Trafficking. The Programme is intended for foreigners exploited in the CR and for citizens of the CR exploited abroad or in the CR. The Programme offers victims psycho-social and health care, housing and other related services, and motivates them to cooperate with authorities active in criminal proceedings. Another objective of the Programme is to support integration into normal life and, in the case of foreigners from outside the EU, the adjustment of their residential status within the co-operation network. The following competent authorities participate in the Programme: public prosecution bodies, NGOs, the International Organization for Migration (IOM), the Refugee Facilities Administration and the Ministry of the Interior. In the first phase of the Programme, the activities were aimed at detection of probable victims. The second phase focused on direct assistance to trafficking victims. The victims, who decided to enter the programme on a voluntary basis, were provided with protected housing, food and social services through 7 NGOS with which the Ministry of Interior signed cooperation agreements. Victims could also use psychological counselling and legal advice and interpretation services. Other services, such as health care and, if necessary, expenses associated with the care for children, were paid. The aim of the second phase was to achieve a smooth course of criminal proceedings, providing support for witnesses and support integration of victims into normal life. In total 120 victims of trafficking have been included in the Programme since 2003. The Programme also includes the Programme of Voluntary Returns, allowing safe and dignified return of victims to their country of origin through IOM Prague at the expense of the state. In total 55 voluntary returns were carried out, including 18 into the CR. Detailed data is given in Annex No. 9.

115. Victims of trafficking have access to social services, such as psychological and social and legal assistance in intervention centres through interdisciplinary co-operation between national, communal and non-governmental organisations. They can also use other social services such as telephone assistance, crisis support, asylum houses, social counselling, intervention centres, and social services for families with children, etc. In 2012, there were 105 social service providers who dealt with the victims of human trafficking. Of these 49 provided professional social counselling, 12 telephone crisis support, and 4 social rehabilitation; 11 implemented field programmes; and 18 operated shelters and 4, low-threshold services for children and minors; 6 provided crisis support and 1, socially activating services for families with children. The status of the victim and their

rights are not dependent on the victim's willingness to cooperate with authorities active in criminal proceedings.

116. The Ministry of Labour and Social Affairs finances, under its grant policy, the preventive social services, including those intended for victims of human trafficking[130]. The overall policy to combat human trafficking is focused on high-risk groups: mainly foreigners, people from socially excluded localities, and women and girls. One of the measures contained in the National Strategy is the situation mapping focused on trafficking in socially excluded localities. It is planned to carry out surveys in at least five socially excluded localities and the subsequent assessment of the situation and the proposition of appropriate measures.

117. The CR has been involved in preventing and combating human trafficking for a long time. In the National strategy, 6 measures in a separate chapter (out of 15) are devoted to prevention. The priorities of this document include the training of relevant professional groups and the prevention of child trafficking. The Ministry of the Interior regularly announces grant titles in the area of human trafficking prevention and assistance to victims. In 2011, the document "Child Trafficking: Recommendations for the Public Administration Procedures" was issued, in order to prevent the trafficking of children. Recommendations were created with the assistance of government authorities and NGOs. The aim of the document was to describe to the public authorities recommended procedures in cases of foreign minors committing property crimes, with an emphasis on the fact that the child may not always be the perpetrator, but also a victim forced to the offence by others. The document was distributed to all relevant bodies and is also published on the Ministry of the Interior website.

118. Government priorities and procedures in promoting equal opportunities for women and men in 2013 also include tasks in relation to the fight against human trafficking. The Minister of the Interior is required to adopt measures to eliminate and prevent gender-based violence, domestic violence and human trafficking, to elaborate these measures into departmental priorities, to take into account issues of gender-based violence and human trafficking when drafting migration policies and, based on the Report on the Situation of Migrant Women in the CR to develop an analysis of risk situations in the life of migrant women and to propose relevant solutions and prevention in relation to these risks. He also shall, with regard to the cross-sectional nature of the policy of equal opportunities for women and men, emphasise the unacceptability of gender-based violence and human trafficking within his media policy.

Article 6: Protection against all manifestations of racial discrimination

119. The previous report described in detail the legislation relating to protection against discrimination.[131] According to the Anti-Discrimination Act a person has, in legal relationships, the right to equal treatment and not to be discriminated against. This applies both to the state authorities, which have a general duty of equal treatment in the proceedings according to the constitutional order and procedural rules mentioned in the text in relation to Article 5, and for private persons whose duties are currently elaborated by the Anti-Discrimination Act. Victims of discrimination can take different ways to seek protection of their rights. Everyone whose rights are affected by discrimination may seek a court decision to cease the discriminatory behaviour, to eliminate its consequences and to

[130] The types of subsidised social services include shelters, professional social counselling, and crisis assistance.

[131] CERD/C/CZE/8-9, paras. 111–123.

get adequate compensation, which may include in justified cases also pecuniary damages.[132] In addition, victims of discrimination can apply to the competent state inspection authorities (Labour Inspectorates, the Czech Trade Inspection, the Ministry of Health, Regional Authorities, the Ministry of Labour and Social Affairs). These authorities may prosecute violations of equal treatment of persons in employment relations[133], in the provision of goods and services[134], health care[135], and social benefits[136]. They can begin their investigation based on their official duties, or based on a complaint by persons and they may impose fines, but not award damages or other compensation to private individuals for caused harm. Only the courts may do this, in civil proceedings described above.

120. The equality body within the meaning of European law is, since December 2009, the Ombudsman. His mission is to contribute to the promotion of the right to equal treatment, to provide methodological assistance to victims of discrimination in the protection of their rights, to undertake surveys, and issue reports and recommendations on the issues of discrimination. The Ombudsman's main activity is primarily advice and dissemination of information. The Ombudsman provides on his website basic information on the issue of discrimination, gives guidance on the protection against it and publishes recommendations and legal opinions on specific examples of discrimination. The Ombudsman cannot issue any binding decisions which would establish, change or abolish the rights and obligations of the parties. He provides advice[137] to the complainants who argue unequal treatment, in which he evaluates their situation and, where appropriate, recommends how they might further defend themselves against unequal treatment. The Ombudsman provides methodological assistance to victims of discrimination in the course of initiated proceedings, but cannot interfere in a judicial proceeding. Data on the number of complaints concerning discrimination on grounds of Roma ethnicity are listed in Annex No. 10.

121. In 2012, the Ombudsman collaborated with two NGOs[138] in a so-called situation testing[139] of ethnic discrimination in different areas of life (access to services, health care or employment) in order to support Roma complainants in providing evidence for possible legal proceedings in matters of discrimination. Until February 2013, two cases of ethnic discrimination in access to rental housing and services were successfully tested. In the first case, an anti-discrimination action was filed; in the second case, the Czech Trade Inspection was approached for an initiation of proceedings of an administrative offence. Neither procedure has been completed yet. Complainants with low income can use the Ombudsman's agreement with the Pro Bono Alliance association, which works with lawyers offering their legal services free of charge. The Ombudsman provides, in particular, substantive evaluation of discriminatory behaviour, including an analysis of national and international jurisprudence, as well as his own opinions. So far, however, the Pro Bono

[132] Section 13 (10) of the Civil Code, Section 10 of the Anti-discrimination Act.

[133] Act No. 251/2005 Coll., on Labour Inspection, as amended.

[134] Act No. 634/1992 Coll., on Consumer Protection, as amended, and Act No. 64/1986 Coll., on the Czech Trade Inspection, as amended.

[135] Act No. 372/2011 Coll., on Health Care Services, as amended.

[136] Act No. 108/2006 Coll., on Social Services, as amended.

[137] Complainants may informally communicate with the Office of the Ombudsman by phone, or by email. Authorised office staff often travel to the complainant to undertake local investigation.

[138] IQ Roma Service and Counselling Centre for Citizenship, Civil and Human Rights.

[139] General information available here: http://www.ochrance.cz/diskriminace/pomoc-obetem-diskriminace/situacni-testovani/.

association has not been given any case related to racial or ethnic discrimination.[140] The Ombudsman also issued the Opinion on the Procedural Aspects of the Anti-Discrimination Act, which he (in addition to its publication on the Internet) gave to the presidents of the regional and high courts and the Supreme Court. It concerns the jurisdiction of the courts dealing with anti-discrimination actions or the mutual relationship between an action for the protection of personality rights and an action in relation to protection against discrimination.[141]

122. On 1 September 2012, the Act on Mediation came into force[142], which establishes an alternative dispute resolution. Mediation, a solution method for conflict, involves the participation of one or more mediators, who support communication between the parties involved in the conflict so as to help them reach an amicable settlement and the conclusion of a mediation agreement. Mediation is particularly well-suited in areas of discrimination, where disputes arise in particular in cases where there is a long-term relationship between the discriminator and the discriminated (e.g., at work, at school, in a health care facility). In this event, mediation will allow an amicable resolution to the dispute between the parties, will not damage the relationship in such a way as a judicial dispute and may have a preventive and educational effect on the discriminator, to show him how his behaviour was undesirable and how he can seek rectification. In addition, mediation is a faster and less expensive way to solve conflicts.

123. The rights of victims of crimes and minor offences also receive protection. The competent authorities are required to accept and properly investigate any notification about facts indicating the commission of a crime or a minor offence with a racist motive. In the course of 2011, the position of crime victims was strengthened. They can, pursuant to an amendment to the Criminal Procedure Code, in addition to compensation for property damages also claim compensation for immaterial harm often caused by crimes with racial overtones. Thanks to this, they will be able to seek the complete satisfaction of their claims already in the course of criminal proceedings, and therefore come to terms with the adverse consequences of the crime. An example is the case of an arson attack on a Roma house in Býchory in central Bohemia, in July 2011, whose victims were judicially awarded non-material damages in the amount of CZK 100,000. According to the planned new Act on Minor Offences, the immaterial harm can also be claimed by the victim in proceedings of minor offences.

124. The position of victims was strengthened by the new Act on Crime Victims. The Act created a comprehensive legal protection of crime victims (including racist-motivated) and substantially expanded their rights. Victims primarily have the right to receive expert legal, psychological and social assistance[143], which in some cases is free of charge, the right to information and assistance in criminal proceedings and the right to privacy to avoid secondary victimisation. The Act also expressly requires a more considerate approach to crime victims by authorities active in criminal proceedings. It provides, under certain conditions, the right to limit a victim's contact with the perpetrator during criminal proceeding acts, the right to a considerate course of questioning concerning intimate and

[140] More information in English available here: http://www.ochrance.cz/en/discrimination/news-from-discrimination/news-from-discrimination-2013/cooperation-of-the-public-defender-of-rights-with-pro-bono-aliance-shows-first-signs-of-success/.

[141] The opinion is available here: http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Stanoviska/Stanovisko_verejneho_ochrance_prav_k_nekterym_procesnim_aspektum_antidiskriminacniho_zakona.pdf.

[142] Act No. 202/2012 Coll.

[143] Such as psychological counselling, social advice, legal assistance and restorative programmes by the non-profit sector, the Probation and Mediation Service and lawyers.

sensitive issues, the right to cross-examination by a person of chosen sex, the right to be accompanied by a confidant, the right to file a "statement of a victim on the impact of the crime on his/her life". Also the right to financial assistance to victims by the state remains, especially in cases of bodily harm or death, in the form of cash provision to bridge the deteriorated social situation of a victim. Victims who do not speak the Czech language will be given information in a language they understand.

125. There are not many discriminatory disputes handled in the courts. Out of 86 district courts only sixteen stated they recorded action to exercise the rights to equal treatment and non-discrimination under the Anti-Discrimination Act. In total 28 actions were filed. The actions were decided as follows: 15 cases are pending and therefore have not yet been decided, in 4 cases a withdrawal of the claim occurred, 3 cases were dismissed and 4 cases were referred to the relevant court, in one case a settlement was approved and one case was mistakenly recorded.[144]

126. Jurisprudence in the areas of discrimination is gradually developing and the following conclusions result from it. To be discriminatory, measures do not have be directed at a specific person, but may be directed also at a group that the person is a part of and may not even be motivated by discriminatory intent of a discriminator.[145] As in the case of other infringements of personal rights, a condition of responsibility is not the intention of the wrongdoer, but the caused result. The objective perception of discriminatory behaviour is also not relevant, but above all it is the subjective perception of the discriminated person that matters.[146]

Response to paragraph 8 of the concluding observations

127. Changes in Anti-Discrimination legislation were described in the text in relation to Article 2. It shows, among other things, that some consolidation of legislation happens gradually so that the Anti-Discrimination Act becomes a single piece of legislation for protection against discrimination and other regulations only refer to it. Access to judicial protection, which in terms of protection against discrimination may be regarded as most effective, is facilitated in several ways. The shared burden of proof applies to anti-discrimination disputes, when after facts indicating discrimination of the victim are established, the defendant must prove that his/her behaviour was not motivated by discriminatory grounds.[147] According to the Constitutional Court when examining the circumstances indicating discrimination, the alleged situation must be examined comprehensively and thoroughly and comparable facts evaluated to enable the resulting assessment to determine whether discrimination occurred or not.[148] This significantly eases the position of victims of discrimination. In the proceedings before the court in matters of protection against discrimination, the participant can be represented by general proxy – a natural person as well as a legal person[149], created for the purpose of protection against discrimination[150]. Claimants with low income may, in the absence of funds, request a free

[144] Czech Helsinki Committee, the Anti-Discrimination Act after two-and-a-half years of being in force - is it really effective in practice? Available at http://diskriminace.helcom.cz/2012/03/antidiskriminacni-zakon-po-dvou-a-pul-letech-jeho-ucinnosti-%E2%80%93-je-v-praxi-opravdu-ucinny/

[145] See Supreme Court Judgement Ref. No. 30 Cdo 1630/2004 dated 30.6.2005.

[146] See the Constitutional Court Findings File No. II. CC 1174/09 dated 13.1.2010.

[147] Section 133a of the Code of Civil Procedure. See also the Constitutional Court Findings File No. Pl. CC 37/04 dated 26.4.2006 (published under No. 419/2006 Coll).

[148] See the Constitutional Court Findings File No. II. CC 1609/08 dated 30.4.2009.

[149] By a non-profit non-governmental organisation, as a general representative in accordance with the CCP in anti-discrimination disputes.

[150] Section 26 (3) of Act No. 99/1963 Coll., the Civil Procedure Code.

appointment of a representative[151] or legal aid[152] from lawyers, and may also ask for remission of the costs of the proceedings.[153] General legal assistance, in addition to NGOs, is provided by the Czech Bar Association.[154] The above-mentioned initiatives of the Ombudsman also contribute to the access to legal aid.

128. Help to victims of discrimination is also provided by many NGOs on the basis of support by different entities, in particular the Ministry of Labour and Social Affairs, and the Office of the Government. The Ministry of Labour and Social Affairs supports in particular social services providers of professional social counselling, social rehabilitation or field social work. The Ministry increased grant support of these service providers.[155] The Office of the Government provides grants to municipalities, NGOs and regions from three grant programmes for support of Roma integration: Field Work Support[156], Prevention of Social Exclusion and Community Based Work[157], Support of Roma Affairs Coordinators[158]. More detailed data is given in Annex No. 11. From 2013, the Ministry of Justice will also register entities providing assistance to victims of crimes, including racist motivated crimes, and monitor the quality of their services.

Article 7: State's role in the area of education and training against racial discrimination

129. The school education at all levels is still based on the principles of equal access to education for every student, without discrimination because of race, colour, sex, language, religion or belief, nationality, ethnic or social origin, property, birth, health condition or other status, and on mutual respect, tolerance of opinion, solidarity and the dignity of all participants in the education process. The general objectives of education are still mainly the development of the human personality, which will be equipped with knowledge and social competencies, moral and spiritual values for personal and civic life, professional development or work, gathering information and learning throughout life, understanding and applying the principles of democracy and the rule of law, fundamental human rights and freedoms, along with responsibility and a sense of social cohesion and the formation of national and citizenship awareness and respect for ethnic, cultural, linguistic and religious identity of each individual.[159] Education as a whole is defined by the National Education Programme, which is completed by the Framework Programme defining a binding "framework" for the various stages of education (preschool, primary and secondary education). The Framework Programme is implemented as a curriculum document, the so-called School Curriculum, according to which the teaching is carried out by the individual schools.

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151 Section 30 Ibid.

152 Section 51a of the Criminal Procedure Code.

153 Section 138 of the Civil Procedure Code.

154 Section 18 (2) of the Act on the Legal Profession.

155 While in 2011, these social services were supported by CZK 49 million; in 2012, over CZK 60 million was redistributed in their favour.

156 The grant is intended to support municipalities which employ outreach staff.

157 The programme is designed for NGOs to implement non-investment projects to support Roma communities and residents of excluded Roma localities in order to support clients' efforts to lead a normal life and participate in the life of the local community. At the same time, projects of complex work with the target group are supported which lead into linking project activities with activities of other key institutions in the area of Roma integration (e.g., health care facilities, schools and police, etc.).

158 The programme is intended for regions to support Roma Affairs Coordinator positions.

159 Section 2 of the Education Act.

130. The Ministry of Education, Youth and Sports encourages schools to include, in school curricula, a sufficiently cross-cutting theme of multicultural education in teaching according to their local needs and possibilities. A methodological support called Best Expected Outcomes was prepared to promote multicultural education in primary and secondary schools. These materials, besides covering current trends in multicultural education, semi-finished thematic areas and best outcomes, also provide current information sources. Teachers use these in their practice and the National Institute for Education organises roundtables, seminars or other events for teachers in collaboration with other organisations which present such materials and explain their use. Every year a grant programme is announced in support of education in languages of national minorities and multicultural education. In the context of multicultural education, educational activities for children, young people and ethnic minorities and the development and implementation of educational programmes and teaching materials for children and young people and teaching staff, aimed at combating racial and ethnic intolerance, racism, anti-Semitism, including integration and multicultural projects, are organised. In 2012, the Ministry of Education, Youth and Sports supported 60 projects in total.

131. The education of children and teachers within the framework of prevention of extremism, racism and xenophobia is the focus of the Strategy of Prevention of Risk Behaviour among Children and Youth in the period 2013–2018.[160] The main objective of the Strategy is, through an effective prevention system, to minimise and reduce the rate of risk behaviour in children and youths. The implementation of the Strategy will be coordinated through schools, educational consultancy facilities, legal representatives, NGOs working with children and youths, socio-legal child protection services, Police of the CR, universities and others. Projects will be supported through the Ministry of Education, Youth and Sports grant programme. Educational activities on the themes of extremism are offered by the National Institute for Continuing Education of Teaching Staff. In 2007–2013, the Institute carried out projects aimed at further education and support of teaching staff at schools and school facilities and improving the quality of initial education. The projects are co-financed by the European Social Fund.

132. In the first pillar of the Strategy for Combating Extremism, "Communications against Demagogy", activities took place to raise public awareness about the issue of extremism, with the help of the Internet (i.e. web pages of the Ministry of the Interior, the Office of the Government, and the Police of the CR). The Ministry of the Interior published on its website, on an ongoing basis, information and analysis relating to extremism and other activities associated with the fight against extremism and racism. The Agency for Social Inclusion and the Ministry of Education, Youth and Sports joined the presentation of the topic and raising awareness, and they continuously publish information and analytical materials on their websites.

133. In the second pillar of the Strategy, "Knowledge against Totalitarianism", education of children and teachers took place, coordinated by the Ministry of Education, Youth and Sports within the implementation of preventive activities focused on the issue of extremism. The Ministry of Education, Youth and Sports updated the "Guidelines for the Primary Prevention of Risk Behaviour of Children, Pupils and Students in Schools and Educational Establishments", which includes recommendations and practical guidance for schools "What to do: Prevention by the Educator", which focuses also on recommendations to address extremism, racism and anti-Semitism in schools. Likewise, the programme for the implementation of activities in the area of prevention of risk behaviour was announced, under the Ministry of Education, Youth and Sports. The www.prevence-info.cz website

[160] The Strategy is available in electronic version from: http://www.msmt.cz/file/28077.

focuses on risk behaviour prevention, and also targets issues of racism and extremism. Training of teachers and teaching staff plays an important role in education which seeks to combat racial discrimination and intolerance. Strengthening the skills of teachers and teaching staff is the aim of the Amnesty International educational project focused on human rights, called the School of Human Rights.

134. In the area of police training, the issue of education against racial discrimination is included in the work plans and methodological activities of individual departments, subject departments and departments of police schools. It is incorporated into the framework educational programmes, school educational programmes and curricula of accredited study programmes according to individual types of police schools. From 1 January 2013 the system of police training is under the patronage of 3 schools: Police College of the Ministry of Interior in Prague with a detached department in Jihlava, Police College for the criminal police in Opatovice with a detached department in Prague-Ruzyně and Police College and the Secondary Police School of the Ministry of the Interior in Holešov with a detached department in Brno. The total number of graduates in all types of educational programmes was almost 13,000 in 2011 and 19,000 in 2012. A total of 313 teachers worked in these schools. Furthermore, 8 Police Training Centres and 3 Practice Training Centres of the Police of the CR are used. There is a total of 436 instructors in the Police of the CR.

135. The fight against racism is reflected in the key civic and professional competencies. It is part of the following subjects: Law, Public Order Police Service, Foreign Police Service (topics: Border Control, The Use of Social and Cultural Particularities and Specifics of Ethnic Groups in Profiling; Organised Crime), Communication and Police Ethics (topics: Prejudices and How to Influence These, Dealing with Members of Minorities, Multiculturalism, Social Pathological Phenomena; Community Policing; Psychological Aspects of Interventions Against Specific Social Groups; Victimology, Victimisation, Typology of Victims, Dealing with Victims of Crime). These subjects are also an integral part of training and specialisation courses as well as of qualification course training modules: "Performance of Duties" (under the topic Organisation of Duties in Accordance with the Principles of Community Policing), and "Legal Aspects of Public Order Police, Appraisal," (under the topic Current Problems of Criminal Law Practice). In a specialised course for Liaison Officers of the CR for Migration and Documents, the issue of the fight against racism is reflected in the topics: The Use of Social and Cultural Particularities and Specifics of Ethnic Groups in Profiling and The Issue of Socio-cultural Environment of Selected Countries. The module Operational and Investigative Activities in an Environment of Extremist Groups Using an Informant is part of a specialised course, Training of Specialists on the Issue of Extremism.

136. The courses teach police officers respect and tolerance for all different cultures living in the CR, with an emphasis on communication and negotiation without racial and xenophobic elements with reference to the Code of Ethics of the Police of the CR. Specialised training for officers of the Police of the CR focused on issues of minorities under the educational programme "Course for Liaison Officers for Minorities and Members of Working Groups I", and as of November 2011, the training was completed by 140 police officers. Since March 2012, the "Course for Liaison Officers for Minorities and Members of Working Groups II", has been implemented, which has been attended by 74 police officers. Training within biannual regular meetings of liaison officers for minorities also continued to take place.

137. In order to improve the qualifications of the Police of the CR regarding minority issues, an educational project was drafted, whose goal is the development of multicultural competencies using teaching methods that are, through personal experience, able to bring a new perspective on the situation and the inner transformation of participants of the training (elimination of deeply rooted attitudes / prejudices). The focus of these sessions will be

fully adapted to the needs of the target groups depending on the role they play in the area of work with minority communities. The programme will also include preparation of specialised content of educational seminars on intercultural competences in coping with the psychological stress in contact with the inhabitants of socially excluded localities or with social, cultural and other differences. The training "Policeman in a Multicultural Environment" is intended for police officers from the Regional Police Directorate of the CR who are part of Working Groups for ethnic minorities.

138. In the third pillar of the Strategy, "Single Anti-extremist Platform", anti-extremist prevention and education projects were financed, in order to combat extremism. The above-mentioned preventive project "Dawn", education in police schools or programmes on the integration of foreigners are part of this pillar. Police Presidium implemented the project "Police for Everyone", which focused, among other things, on issues of extremism and xenophobia and its target group were students of primary and secondary schools.

139. The issue of racism, xenophobia and ethnic minorities is also included as standard in thematic curricula of military professionals at the University of Defence. The Military Secondary School and College in Moravská Třebová has the issue of national minorities included in the humanities curriculum subjects. The key units of the Armed Forces of the CR implemented an independent project "Extremism in the Armed Forces of the CR". Its content focused on these topics: Prevention in the Detection of Extremist Manifestations, Sympathising and Direct Support of Extremist Movement, Movements Promoting Ethnic and Racial Hatred, Movements Suppressing Human Rights and Freedoms. The issue of human rights, also in relation to ethnic minorities, was included (two-hour slot) into the training of officers of the Armed Forces of the CR who are destined for foreign operations. For the lowest command corps, the Military Academy organises short-term courses focused on the issue of extremism and racism, or more precisely the protection of human rights. Within military training facilities, education is an integral part of the preparation of students of preparatory service, as future military professionals. It is obvious that this area also includes topics on military collectives, interpersonal relations, xenophobia, racism and extremism. The manual "Information for Soldiers in Basic Training" is published and distributed for the training needs of future professionals and their familiarity with the issue.

140. At the Judicial Academy, courses were organised for judges, public prosecutors and judicial assistants. In the reporting period, several training courses and workshops took place, focusing on extremism, racism and xenophobia within the criminal justice system and beyond. In 2012, these events were attended by 656 participants. These courses were "Racially Motivated Extremism" and "Extremism in the European Context." Issues of ethnic minorities were also addressed by the seminar "Extremism – Racially Motivated Extremism in the European Context", which was attended by 15 participants. The focus was on the current extremist manifestations; methods of investigation and proving of extremism, including expert opinions; cooperation between Czech and foreign extremist groups; adolescents' sympathy for right-wing radical ideas; foreign experience; the role of the public prosecutor; the issue of security in socially excluded localities; European standards and documents related to right-wing extremism and racially motivated crimes; contemporary extremist movements in Europe; hate crimes in the European context and the context of the CR; and other aspects. Representatives of the police, the Ministry of the Interior, the Probation and Mediation Service and other components, that have experience with extremism, were invited to participate in selected events. Teachers in training events specifically aimed at the issue of extremism are judges, public prosecutors, the Agency for Social Inclusion, representatives of the Police of the CR, the Ministry of the Interior, experts, academics and others. Given the need to include the issue of extremism, racism and xenophobia in the educational plan in the coming years, the Judicial Academy will continuously develop the given topics in training events; it will address causes of these phenomena, as well as effective legal measures to combat them. In 2013, the Ministry of

Justice in cooperation with the Judicial Academy prepared the first practical seminar on anti-discrimination law for judges and public prosecutors.

Dissemination of information and the response to paragraph 22 of the concluding observations

141. The CR acts against racist and extremist crime not only repressively but also preventively. In 2013, in addition to the training of civil servants, police officers and other public power officials, the government began to prepare a campaign[161] against racism and hate violence coordinated by the Agency for Social Inclusion. The project responds to the growing manifestations of extremism, racism and hate violence among young people, often targeted at Roma in regions with generally high unemployment. Using a national media campaign, the project focuses on young people aged 15–25 years. Educational and coordinating activities will be part of this project, in addition to the campaign[162]. The regions selected for the implementation of educational activities were Ústí and Moravia-Silesia because they have a long-term high unemployment rate and existential uncertainty which is triggered by tension between groups, including racist manifestations and inclination towards extremist views and support for extremist movements and political parties. Activities in these regions will be targeted at children aged 10–15 years who are still forming their attitudes, and also the professional groups that address manifestations of hatred and violence prevention in practice, such as teachers, police officers and representatives of municipalities and towns. The campaign will primarily use modern means of communication such as the Internet, social networks and communities. The aim is to create an active community of people fighting against racism in a creative and educational way. The accompanying activities will focus on education in schools in problematic regions[163] and public authorities' awareness. The campaign will also focus on the dissemination of good practice.[164] The beginning of the campaign is planned for 2014.

142. The media have a strong influence on public attitudes towards the Roma. Negative presentation of the Roma on their part acts as a source of negative models, stereotypes, prejudices and ideologies of the Roma minority. Prohibition of discriminatory and racist broadcasts is regulated by the Act on Radio and Television Broadcasting. According to the Act, the broadcaster is required to develop a programme structure so that its broadcasting provides a balanced programme schedule for all of the population with respect to age, sex, colour, belief, religion, political or other opinion, national, ethnic or social origin.[165] He must ensure that the broadcast programmes do not incite hatred on grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin, property, birth or other status. It may not broadcast programmes that could strengthen stereotypical prejudices against ethnic, religious or racial minorities.[166] In 2010, the Act on

[161] During 2013, the campaign plan was developed and will be part of a three-year project funded by the EEA/Norway.

[162] E.g. regional training activities for police in the Ústí and the Moravian-Silesian Regions aiming to improve understanding of the situation of socially excluded localities and increasing competencies for the implementation of preventive measures and in particular to combat crimes of hate.

[163] E.g. programmes aimed at understanding how to deal with racism and hate violence and bullying in general, including the preparation of teaching materials (film, methodology, etc.).

[164] Examples will be disseminated through an interactive websites (set up for this purpose) and information materials intended for government representatives (council leaders and members), management of relevant departments (education, social and health), representatives of the main partners in the localities (the Police of the CR and Municipal Police, school directors, health professionals, NGOs and others).

[165] Section 31 (4) of the Act on Radio and Television Broadcasting.

[166] Section 32 (1), letter c) of the Act on Radio and Television Broadcasting.

Audio-visual Media Services On-demand[167] came into force. The Act also requires that providers of these services ensure that these services do not incite hatred on grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin, property, birth or other status. General and specific rules of work in the various media are governed by Codes of Ethics. These codes are always based on the recommendations of the Syndicate of Journalists of the CR and specifically point out discrimination, protection of privacy, and always adhere to an open, free expression of opinions and viewpoints. For most media, Codes of Ethics contain rules of neutral, balanced and sensitive coverage in the above mentioned direction.

143. During September and October 2012, the Commissioner for Human Rights together with the members of the Government Council for Roma Minority Affairs and the representatives of the Agency for Social Inclusion had meetings with the editors of five national newspapers and television stations. The purpose of these meetings was the exchange of information and joint discussion on how these media present the Roma and other minorities. The Commissioner together with the members of the Commission and the Agency asked editors to better balance reports referring to the Roma ethnic group, and to bring positive examples of Roma and members of other minorities in the media. The editors were given contacts for the regional Roma Affairs Coordinators, local consultants of the Agency, as they can provide reporters with important information on the local situation of the Roma and the forms of social exclusion in the region. These meetings brought concrete positive results in the form of coverage, which was created in response to them.[168] There was also a decrease of irrelevant references to the ethnicity of people in the news.

144. The Agency for Social Inclusion commissioned an "Analysis of the Media Image of Roma in the Czech Media". The aim of the analysis was to map the topics that are currently reaching the media in connection with Roma, with particular regard to the reporting of crimes (alleged and real) in the ordinary everyday media production. The subject of the analysis was the news coverage of all national and the largest regional networks of newspapers and their web versions. The analysis covered the period from 1.7.2011 to 31.5.2012 and analysed 6,252 texts, which were published in this period in nineteen selected periodicals (newspapers, web sites, television and radio), concerning the Roma minority. The analysis resulted in recommendations that should contribute to more objective information about the Roma and other minorities in society:

(i) Not to use ethnicity, if it does not have objective meaning in the report, because ethnicity is not a neutral term;

(ii) Not to impose topics of Roma criminality, to inform on crime thoroughly, regardless of the ethnicity of the perpetrator, but with the focus on its seriousness and media relevance;

(iii) To write about the Roma in the broader context and in the context of a situation in which the individual person is;

(iv) Not to generalise reports about individuals from Roma and other minorities in general;

[167] Act No. 132/2010 Coll., Act on Audio-visual Media Services On-demand and on Amendments to Certain Acts (Act on Audio-visual Media Services On-demand), which transposes the Directive on Audio-visual Media Services.

[168] E.g. Czech Television coverage of the seminar on Roma women, or coverage on the Handbook for Municipalities by the Agency for Social Inclusion.

(v) To use a variety of topics and events in which the Roma (and other minorities) appear in the media, not to keep displaying still the same (and narrow) range of topics, and not to automatically take over reports on minorities just from agency news;

(vi) To use as a source the members of minorities, not to let the police, the Mayor, social workers or other representatives speak for them;

(vii) To be careful about quoting politicians and citizens who are prone to populism and xenophobic statements, not to leave without comment racist and xenophobic statements, not to provide room for opinions that objectively demean people because of their race, religion and belief;

(viii) To maintain critical distance from the events in every situation and break away from polarising perspective of Us vs. Them (the majority vs. the minority) and not to build reports from the perspective of the majority towards the minority, but rather an equal view of the participants.

145. In the reporting period, attention was paid to the issue of the Roma Holocaust and commemoration of victims of former Roma camps of in Lety near Písek and Hodonín near Kunštát. The Roma Holocaust Memorial in Lety is now taken care of by the state-funded organisation Lidice Memorial. Its mission is to care for the preservation of lasting memories of the suffering of the Roma interned in the former Roma camp in Lety near Písek, including looking after the memorial site. Part of the activities of the Memorial is permanent expositions and exhibitions[169] and commemorative acts.[170] In 2012, the Memorial Lety near Písek had the highest attendance since the start of its activities, when it was visited by 11,963 visitors. High attendance is evidence of interest in the topic of the Roma Holocaust and of good promotional work by Lidice Memorial. In Hodonín near Kunštát, the Roma Holocaust Memorial was established under the administration of the National Pedagogical Museum and Library of J.A. Comenius in Prague. The Memorial's aim is to educate and inform about the Roma Holocaust in the context of the Holocaust of the Jews and the history of the Czech nation in the period of World War II. The Memorial will especially be a good place for informal education of young people. On the occasion of the Memorial opening ceremony, a temporary exhibition was installed, introducing the history of the site, plans for future expansion and the wider aspects of the Roma Holocaust during the World War II through the exposition "Porrajmos" on loan from the Lidice Memorial. The building was inaugurated on 19 August 2012 with the participation of the Minister of Education, Youth and Sports, many other guests, and considerable media interest.

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[169] The permanent exhibition "Lety, Life Behind the Fence"; until 26 March 2012 the exhibition "Porrajmos" (Great destruction) was exhibited which brought closer the fate, persecution and genocide of Roma during World War II; panels of the permanent exhibition in the Information Centre Lety. The travelling exhibition "Lačho lav sar maro"/"A good word is like bread" (16 Roma authors in photos by Lukáš Houdek) presenting the texts of Roma authors in their native language.

[170] On 13 May 2012, a commemoration ceremony was held at the burial site in Lety near Písek, commemorating the Roma victims of the Lety Gypsy Camp; on 9 July 2012, a remembrance of the victims of the Roma Holocaust was held at the Lety memorial site, on the initiative of the Office of the Government.